

**PB# 99-17**

**Windsor Academy  
(Site Plan & Spec. Permit)**

**40-3-37**

99-17

Approved 1-10-02

Wilson Jones • Carbonless • S1642-4W-CL Duplicate • S1644-4W-CL Triplicate

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DATE June 17, 1999 RECEIPT <sup>N U M B E R</sup> 99-17  
 RECEIVED FROM Heads, Hands, Hearts, Inc.  
 Address 271 Quassaick Ave. - New Windsor, N.Y.  
Seven Hundred Fifty 00/100 DOLLARS \$ 750.00  
 FOR Site Plan Escrow

ACCOUNT			HOW PAID		
BEGINNING BALANCE	750	-	CASH		
AMOUNT PAID	750	-	CHECK	#1839	
BALANCE DUE	-0	-	MONEY ORDER		

BY [Signature]  
Maura Mason Secretary

Wilson Jones • Carbonless • S1654-NCR Duplicate • S1657N-CL Triplicate

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DATE June 18, 1999 RECEIPT 039384  
 RECEIVED FROM Heads, Hands and Hearts Inc.  
 Address \_\_\_\_\_  
One Hundred and 00/100 DOLLARS \$ 100.00  
 FOR Planning Board Application Fee  
#99-17

ACCOUNT			HOW PAID		
BEGINNING BALANCE			CASH	#1840	
AMOUNT PAID			CHECK	100.00	
BALANCE DUE			MONEY ORDER		

BY Talor Clark  
Dorothy H. Vanden

Wilson-Jones

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AMOUNT PAID	750 -	CHECK	# 1839
BALANCE DUE	-0 -	MONEY ORDER	

BY *Julia*  
*Theresa Mason Secretary*

Wilson-Jones - Carbonless - S1654-NCR Duplicate - S1657N-CL Triplicate

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DATE June 18, 1997 RECEIPT 039384  
RECEIVED FROM Heads, Hands and Hearts Inc.

Address

One Hundred and 00/100 DOLLARS \$ 100.00FOR Planning Board Application Fee  
#99-17

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	# 1840
AMOUNT PAID		CHECK	100.00
BALANCE DUE		MONEY ORDER	

Treasurer ClerkBY Dorothy H. Hanson8/10/01  
Sent for P.H. List



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 01/15/2002

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 99-17

NAME: WINDSOR ACADEMY

APPLICANT: ROSENBLUM, MARSHALL

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
01/10/2002	PLANS STAMPED	APPROVED
10/10/2001	P.B. APPEARANCE	ND:CLOSE PH APP CON
	. NEED 8' STOCKADE FENCE TO BE PUT ALONG THE REAR OF THE	
	. PROPERTY. FENCE TO BE IN NO LATER THAN 60 DAYS FROM	
	. 10/10/01 - ADDRESS MARK'S COMMENTS OF 10/10/01 - SUBMIT COST	
	. ESTIMATE	
07/25/2001	P.B. APPEARANCE	SET UP FOR PH
06/23/1999	P.B. APPEARANCE	REFER TO ZBA
06/16/1999	WORK SESSION APPEARANCE	SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 01/15/2002

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 99-17

NAME: WINDSOR ACADEMY

APPLICANT: ROSENBLUM, MARSHALL

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	06/18/1999	EAF SUBMITTED	06/17/1999	WITH APPLICATION
ORIG	06/18/1999	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	06/18/1999	LEAD AGENCY DECLARED	07/25/2001	TOOK LA
ORIG	06/18/1999	DECLARATION (POS/NEG)	10/10/2001	DECL NEG DEC
ORIG	06/18/1999	SCHEDULE PUBLIC HEARING	07/25/2001	SCHED PH
ORIG	06/18/1999	PUBLIC HEARING HELD	10/10/2001	CLOSED PH
ORIG	06/18/1999	WAIVE PUBLIC HEARING	/ /	
ORIG	06/18/1999	AGRICULTURAL NOTICES	/ /	



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@att.net

☐ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mheoa@ptd.net

**MEMORANDUM**

(via fax)

10 December 2001

**TO: MYRA MASON, PLANNING BOARD SECRETARY**

**FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER**

**SUBJECT: WINDSOR ACADEMY SITE PLAN  
NWPB APP. NO. 99-17**

I reviewed the estimate submitted by Marshall Rosenblum for the subject project, and discussed the various work items with him. Based on same, it is my opinion that the site improvement estimate of \$7000 is acceptable.

I have also reviewed the final plan and it appears acceptable. The 8' stockade fence has been added to the rear of the property and the fence has been extended on the left side of the site. The one-way signs have been revised as I requested.

Our printout of fees is attached.

NW99-17-CloseoutMemo121001.doc  
MJE:sl

*Called 12/18/01 (Marshall)*  
*2% of 7000.00 = 140.00 ①*  
*100.00 ②*  
*8.00 ③*

AS OF: 12/10/2001

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB 87-56

NEW WINDSOR PLANNING BOARD (Changeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 99- 17

FOR WORK DONE PRIOR TO 12/10/2001

										-----DOLLARS-----			
TASK NO	REC	DATE	TRAN	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP	BILLED	BALANCE		
99-17	132325	05/11/99	TIME	MJE	MC ABC LEARNING S/P	75.00	0.40	30.00					
99-17	132039	05/12/99	TIME	MJE	MM ABC DISAPP TO ZBA	75.00	0.10	7.50					
99-17	132326	05/12/99	TIME	MJE	MC ABC LEARNING S/P	75.00	0.20	15.00					
99-17	133330	06/02/99	TIME	MJE	WS ABC LEARNING S/P AM.	75.00	0.40	30.00					
99-17	134495	06/16/99	TIME	MJE	WS WIND ACADEMY S/P	75.00	0.40	30.00					
99-17	134509	06/21/99	TIME	MJE	MC WIND AC SITE PLAN	75.00	0.50	37.50					
99-17	134427	06/22/99	TIME	MCK	CL WIND ACADEMY TRC	20.00	0.50	14.00					
99-17	134510	06/22/99	TIME	MJE	MC WIN ACADEMY S/P	75.00	0.10	7.50					
99-17	134017	06/23/99	TIME	MJE	MM Disapp > ZBA	75.00	0.10	7.50					
									179.00				
99-17	135438	07/15/99			BILL 99-683					-179.00			
											-179.00		
99-17	137038	08/04/99	TIME	MJE	MC WIN ACADEMY ZBA REF	75.00	0.60	45.00					
									45.00				
99-17	138735	09/16/99			BILL 99-865					+45.00			
											+45.00		
99-17	143351	11/17/99	TIME	MJE	MC WIN ACAD TC/LM EPSTE	75.00	0.20	15.00					
99-17	143542	12/01/99	TIME	MJE	WS ABC SITE PLAN	75.00	0.40	30.00					
									45.00				
99-17	144426	12/17/99			BILL 99-1198					-45.00			
											-45.00		
99-17	181764	05/08/01	TIME	MJE	MC WINDSOR ACADEMY W/MR	85.00	0.30	25.50					
99-17	182620	05/16/01	TIME	MJE	WS WINDSOR ACADEMY	85.00	0.40	34.00					
									59.50				
99-17	189270	06/30/01			BILL 99-723 7/26/01					-59.50			
											-59.50		
99-17	187876	07/25/01	TIME	MJE	MC WINDSOR ACADEMY	85.00	0.50	42.50					
99-17	188068	10/10/01	TIME	MJE	MC WINDSOR ACADEMY C/P	85.00	0.50	42.50					
99-17	199114	10/10/01	TIME	MJE	MM WindsorAcad Cond S/P	85.00	0.10	8.50					
									93.50				

AS OF: 12/10/2001

PAGE: 2

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK 99- 17

FOR WORK DONE PRIOR TO: 12/10/2001

TASK-NO	REC	DATE	TRAN	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
99-17	200603	10/25/01			BILL 01-984					-85.00	
										-85.00	
99-17	203536	12/10/01	TIME	MJE	MC Windsor Acad Closeout	85.00	0.60	51.00			
					TASK TOTAL			473.00	0.00	-413.50	59.50
					GRAND TOTAL			473.00	0.00	-413.50	59.50

TOTAL P.03

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 583-4811

**RECEIPT**  
**#21-2002**

01/04/2002

Heads, Hands and Hearts, Inc. *#99-17 Approval Fee*

Received \$ 100.00 for Planning Board Fees, on 01/04/2002. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 01/03/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 99-17  
NAME: WINDSOR ACADEMY  
APPLICANT: ROSENBLUM, MARSHALL

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/17/1999	REC. CK. #1839	PAID		750.00	
06/23/1999	P.B. ATTY FEE	CHG	35.00		
06/23/1999	P.B. MINUTES	CHG	27.00		
07/25/2001	P.B. ATTY. FEE	CHG	35.00		
07/25/2001	P.B. MINUTES	CHG	31.50		
10/10/2001	P.B. ATTY. FEE	CHG	35.00		
10/10/2001	P.B. MINUTES	CHG	121.50		
12/10/2001	P.B. ENGINEER FEE	CHG	473.00		
12/20/2001	REC. CK. #3425	PAID		8.00	
		TOTAL:	758.00	758.00	0.00



1/3/02

L.R.

PLANNING BOARD  
TOWN OF NEW WINDSOR

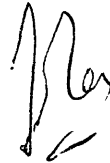
AS OF: 01/03/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 99-17  
NAME: WINDSOR ACADEMY  
APPLICANT: ROSENBLUM, MARSHALL

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/10/2001	2% OF COST EST. 7,000.00	CHG	140.00		
12/20/2001	REC. CK. #3423	PAID		140.00	
		TOTAL:	140.00	140.00	0.00





# MARSHALL ROSENBLUM A.I.A.

Marshall Rosenblum A.I.A. Architect  
3211 Route 9W  
New Windsor, New York 12553

---

Phone 845-562-0270  
Fax 845-562-1652

29 November 2001

Town Of New Windsor  
Planning Board  
555 Union Avenue  
New Windsor, NY 12553

✓ ATTENTION: MYRA MASON, PLANNING BOARD SECRETARY

SUBJECT: WINDSOR ACADEMY (99-17)

Dear Myra:

This letter is to provide information for the bonding estimate. Attached please find invoice from Dabroski Brothers for the fencing and dumpster enclosure, which is ordered and should be completed in the next week or two. This estimate includes additional fencing not required by the Board at the Pennisi side. Earth clearing is substantially completed at the fence area, as observed. Some remedial blacktop work has been performed.

In my Professional Opinion the balance of the work to be completed, including fencing, blacktop and signage is nominally \$7,000 (seven thousand dollars). Please call if you have any question to the above.

Sincerely,



Marshall Rosenblum, AIA

**DABROSKI BROS., INC.**

FENCE CONTRACTING & SUPPLY  
32N AT FAVINO DR. P.O. BOX 7425 NEWBURGH, NY 12550  
(914) 564-9259

**AFA MEMBER**

American Fence Association, Inc.

Customer:

WINDSOR ACADEMY  
RITA EPSTEIN

Quotation Date : 11/15/01  
Quotation Number: 501-#5073  
Reference Number:  
WORK Order # :  
Phone: 562-3711

Re: SPRUCE STOCKADE

**MATERIAL SPECIFICATIONS:**

TERMINAL POST: CCA TREATED S4S PLAIN 4 X 4 IN. X 10 FT. WOOD POSTS  
LINE POST : CCA TREATED S4S PLAIN 4 X 4 IN. X 10 FT. WOOD POSTS  
RAIL or PANEL: 8 FT. WIDE X 8 FT. HIGH #1 SPRUCE STOCKADE  
PANEL#2 : 8 FT. WIDE X 8 FT. HIGH DSOOC W/ LATTICE CEDAR PANEL

**PROJECT DESCRIPTION:**

Fence Length : 232 FT.  
Gate Length : 0.0 FT.  
Total Length : 232 FT.  
Post Spacing : 8.0 FT.  
Coverage Height: 8.0 FT. & 6.0 FT.

**EXPECTED DELIVERY:**

QUOTATION AMOUNT - \$3,500.00  
TAX #1 Included

QUOTATION TOTAL - \$3,500.00

F.O.B. -

TERMS: \$1400D; \$1400S; BAL. ON COMPLETE

Representative - STAN DABROSKI

Accepted by: X

Dabroski Bros., Inc. - Wallkill, NY 12589

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/10/2001

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 99-17

NAME: WINDSOR ACADEMY

APPLICANT: ROSENBLUM, MARSHALL

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	06/19/2001	MUNICIPAL HIGHWAY	07/18/2001	DOES NOT APPLY
REV1	06/19/2001	MUNICIPAL WATER	07/16/2001	APPROVED
REV1	06/19/2001	MUNICIPAL SEWER	/ /	
REV1	06/19/2001	MUNICIPAL FIRE	07/13/2001	APPROVED
REV1	06/19/2001	NYS DOT	/ /	
ORIG	06/18/1999	MUNICIPAL HIGHWAY	06/21/1999	APPROVED
ORIG	06/18/1999	MUNICIPAL WATER	06/21/1999	APPROVED
ORIG	06/18/1999	MUNICIPAL SEWER	06/19/2001	SUPERSEDED BY REV1
ORIG	06/18/1999	MUNICIPAL FIRE	06/19/2001	SUPERSEDED BY REV1

PUBLIC HEARING:

WINDSOR ACADEMY SITE PLAN (99-17)

MR. PETRO: Next is a public hearing for Windsor Academy site plan represented by Mr. Marshall Rosenblum. Proposed to make temporary classrooms permanent. This application involves a proposed conversion of the existing modular units from temporary as previously approved to permanent at the existing site. This application was previously reviewed at the 23 June, 1999, 25 July, 2001 planning board meetings. It's before this meeting for a public hearing at this time before the board. Okay, Marshall.

MR. ROSENBLUM: As per Mark Edsall's comments, he requested clarification of the conditions of the ZBA approvals. I had forwarded that information to him. Shortly afterward, I noticed inasmuch as he's not here tonight, I would be happy to read the paragraph identifying those variances, if you wish. The only other substantive comment on Mark Edsall's review was a change in the signs to a more linear sign per the standard of New Windsor.

MR. BABCOCK: Marshall, excuse me one second. There's an updated, Mark's list, according to that it says that you have corrected that and it's been put on the plan.

MR. ROSENBLUM: Yes.

MR. BABCOCK: He's been sick, so we just got the information back from him and whatever so--

MR. ROSENBLUM: I just need the number.

MR. LANDER: Why don't you run us through the variances that you received from the zoning board.

MR. ROSENBLUM: Let me read you the opening paragraph. Windsor Academy, Quassaick Avenue, has made application before the ZBA for 85 foot side yard, 139 foot 8 inch total side yard and 85 foot rear yard variances plus 4.18 percent developmental coverage to allow modular trailers to be used on the permanent basis for

classrooms on the east side of Quassaick Avenue in an NC zone. And then it identifies that the units meet the building codes and conditions. Their requirement was for a side yard fence that has been put in and is acceptable.

MR. LANDER: Is that that stockade type fence?

MR. ROSENBLUM: No, it's a higher level fence with a lattice on the top, 6 foot fence decorative, it's been stained.

MR. LANDER: You can't see through it?

MR. ROSENBLUM: No and it cuts down on, everybody is very happy about it. That was done by permit.

MR. PETRO: What I am going to do now is open it up to the public so we can get some comments. You have seen this a number of times.

MR. LANDER: Reason you're here is to get the comments.

MR. PETRO: September 18, 2001, 13 addressed envelopes went out containing notice of public hearing. If anyone is here, would like to speak on behalf of the application, be recognized by the Chair, come forward. Would anyone like to speak on behalf of this application? All right, let the minutes show that--for or against.

MR. MC MAHON: I just wanted to address certain facts regarding this request.

MR. PETRO: Your name and address?

MR. MC MAHON: Right, okay, just hold on now, okay, seriously, Thomas McMahon, M-C-M-A-H-O-N, last time I was here they spelled it M-C-M-A-N-N. My address is 31 Cross Street, New Windsor, New York. My home is directly behind the school, directly behind it. I'd like to refer to the minutes of the meeting of July 8, July 2 for just a moment to make sure that I properly understand what's going on, okay. July 8 meeting, Mr. Olsen stated on page 10 of the minutes since we spoke

or since I was at the board last, we have changed the plans a little bit in that the three proposed modulars for the rear are now all temporary, none of which are going to be permanent. Which would relieve us from having to acquire the zoning variance for the side yard setback. Mr. Lucas, when he was here on page 13, it said then are you going to take the modulars out? They're out, Mr. Olsen said. Now, there was a question from Mr. Argenio, is there a time constraint for construction of the temporary gym? Mr. Lander, for leaving the trailers there? Mr. Argenio, it's 90 days, two years. Mr. Olsen, it's six months, we'd like to go for a year because that's what we anticipate the construction to be. Okay. So, you approve of, Mr. Petro, the temporary three modulars. You also, they also indicated that the building possibly could not be a 4 story building because of the type of the building. Okay, I would like to refer to the July 22 minutes, okay. Something about what you said on page 10 of the minutes of that meeting, Mr. Petro, you indicated you thought they were going to keep one of the modulars, I guess it was going to be for the work going on at the building, the building site, that's Mr. Stenton. Mr. Olsen, then it's coming out again, is what I'm saying. Okay, Mr. Lander, I think we're getting ahead of ourselves, we're only here to look at the temporary modulars. Now, Mr. Lander, these modulars can only be there for six months to a year. And we go to page 11, Mr. Ponessi who was at the meeting July 28, 22, excuse me, I looked at the plan and they are going to be there for let's say six months and then you're going pull out two and leave one there. That was a question. Mr. Olsen, right, we haven't said we're going to take them out, they may all come out at the same time, they may phase them out. Right now, we're looking at the worst case scenario, all three being there as long as is needed.

MR. PETRO: Was there ever three? I mean, there's only two that I know of.

MR. ROSENBLUM: My knowledge of this only goes to the minutes that he's reading. I have never known about three.

MR. PETRO: Has there ever been three there?

MS. EPSTEIN: No.

MR. MC MAHON: That's just for clarification, that's what the minutes said. Page 14 of the July 22 meeting minutes I mentioned something about real estate, well, my home is an investment for me, probably the only one I'll have. As far as what's going to happen, he said I would not know, I'm not a soothsayer and I'm not a realtor and I went on and I said is there a time limit on the modulars, how long are they going to be there or not be there? Mr. Petro, yes, there is. Mr. Olsen, the zoning designates six months. This is 1998, July 22, Miss Powells, modulars are for infants and toddlers, not many infants, we have a few toddlers that will be playing out in the playground. Okay, there are infants and toddlers, so that the modular expansion, page 16, should not affect the playground at all. How many children going out there. Mr. Petro, you're saying modular expansion eventually they're going to be gone and have them in the building anyway, right? That was clarification for him about what was before the board that night. Page 21, what we're going for is our approval to place these units, after that we'll be going to the zoning board for the permanent site plan which would be the project, you know, the final parking layout. So I said on page 21, so will you put the modulars in even if your site plan is denied? Mr. Olsen, if the whole program were to be denied, there would be probably no need for temporary measures. Page 23, minutes of July 22, Mr. McMahon, that's me, suppose you don't get approval for the four stories for whatever reason, what happens to the modulars, do you have to take them out or can they be left there? Mr. Olsen, no, they'll have to come out. Mr. Petro, it's temporary use six months, probably with one 6 month extension would be the maximum. No doubt, it would have to go. I said. Mr. Petro, they'd have to go, that's Town Law, that's not for us to say. Miss Powells, if it comes about to where we have the modulars in, we cannot do the third, fourth stories, we'll make changes to the building itself to accommodate the infants and toddlers. Okay, page 26, Mr. Petro, I'd rather see none of this happen, if

you're not successful with the ZBA and do not acquire the permit to go to the four stories or build, in other words, if you can't get that no sense putting the temporaries there. I think you referred to them as trailers, but modulars, they're one in the same thing?

MR. PETRO: I'd assume.

MR. MC MAHON: Mr. Olsen, same page, I still want to be able to utilize parts of the building for the toddlers, in which case, there's still--which case they'd still need the temporary plan. Mr. Lander, in layman's terms, you're still going to be, to do construction in the building, so you still need the modulars, even if you don't go to the four stories? Mr. Olsen, correct. Mr. Babcock, keep in mind the third fourth story is not really an issue because we have talked and we feel that it would be built to code, New York State Code. There's some other issues that we have to work out, now it's only an issue that the ZBA is going to have to look out for developmental coverage. Mr. Petro, this is all again on page 26, I don't want to have the trailers there, if it's going to have to happen, we have all this disturbance, first thing you know, the trailers don't get moved, we have to go down with a court order to have them removed. I want to have that, all that headed off at the pass. Mr. Babcock, they want to put the trailers there, either way, the four story building is defeated because of the developmental coverage, they're going to do something to the building to accommodate what they want to do. That's just two of the meetings. But on July 8, there was also a meeting of this committee and there was, it was stated that the requirement for Certificate of Occupancy on August 5, this was '98, two years ago, is the removal of all temporary modular buildings. Now, I also went into the zoning board minutes, okay, and that was also an interesting story. Okay, but I don't want to get into that right now. I would like to get the board's comments if I may regarding these statements that you have made in the past and what's changed over the past three years. I'd also, in fact, with the zoning board, there were comments made about the property and what was there and wasn't, I don't know, if that's been within your purview. I heard mention of a fence going



up. Well, there was certain bushes if you remember that were supposed to be planted in the back there, they're dead and gone, there's nothing back there. So, I'm a little, I feel I have been misled to say the least because it was my impression that those buildings, Mr. Chairman, were temporary. Now, I'd like to know what you, from you, that those modulars were put in there with a permanent foundation, when they were put in there?

MR. PETRO: Okay, are you ready?

MR. MC MAHON: Yes.

MR. PETRO: Okay, first of all, let's start with number one, what's changed, in other words, why are we looking at temporary buildings being permanent now? The applicant had come to myself and to some of the Town Board and asked if that was a possibility and I said I don't know, frankly, you'd have to go through the planning board process because evidently, they were going to build on the building and that couldn't be done structurally. Is it possible that they can stay. I said well, you only have a one year permit, but if you're before the planning board in a review process, they can stay as long as it's under review and you have an active application. And that's exactly what happened, now they've come to the board first, that's our procedure, this board, they then got referred to the zoning board because they needed necessary variances and that took quite a bit of time. And then back from the zoning board, they have come back to this board, then we scheduled a public hearing, so this is why it's taking so long and the trailers are there. Because they're then under the review process of this board.

MR. MC MAHON: Let me ask you a question, if I may, sir, if I'm out of line, please let me know, from your statement they weren't going to be permanent, they stated that it was, if they weren't able to go to the four stories that they were going to go into the building to do some work, have the infants and the toddlers in that building, there was no need for the modulars.

MR. PETRO: I think it just changed.

MR. MC MAHON: It's just simple, it just changed, I want to thank you very much for your help, okay, cause I thought that the people in this room were misled by what was said at these meetings, okay.

MR. PETRO: I don't think they were misled.

MR. MC MAHON: Very definitely, if you read the minutes, what you said and other people said, it's very definite that we were misled.

MR. PETRO: I think it just got changed.

MR. MC MAHON: I don't think it changed, sir.

MR. PETRO: That's your opinion.

MR. MC MAHON: Modulars were put in on a permanent foundation from the beginning.

MR. PETRO: I don't believe they're on a foundation.

MR. ROSENBLUM: New York State Building Code does not allow for temporary construction, there's no such provisions, you can only have safe, permanent conditions.

MR. MC MAHON: From the beginning, then the planning board was talking about temporary buildings that weren't permanent, from what I can see, because they're not allowed in there unless they have a permanent foundation that would require these folks to tear them down, which is what you said. You're telling me it changed, but you're telling me you had no idea of that, what was going on, you went over and looked at the building.

MR. PETRO: Yes, I did, I walked through them.

MR. MC MAHON: And you said eventually to these folks at the meeting that you'd hate to see them put there because if it doesn't go to the four, you're going to

have to move them.

MR. PETRO: That's correct, then they came back and said we can no longer do a permanent structure like we wanted to do due to structural problems with the building.

MR. MC MAHON: On the inside.

MR. PETRO: Their main building, nothing to do with the modulars.

MR. MC MAHON: Which is what they said they were going to go into the main building and make certain changes but they couldn't do it, that was after the fact, right?

MR. PETRO: After the buildings were there, they started work on the main building and that's what they determined that the, I believe the footings, if I'm correct, were not proper.

MR. MC MAHON: I'm not talking about the fourth or fifth story, what I'm talking about is they were going to, if they were not approved four or five stories, they were going to go into the interior of the building and make certain adjustments in the building, that's why they needed the modulars there on a temporary basis because the children wouldn't be allowed to go in there while they're going to do construction work.

MR. LANDER: You're absolutely right, you're right, but they only came in here, let's get one point straight, they came in, made application to make these things permanent. Nobody said they're going to be permanent, they made application, they went to the zoning board, zoning board gave them all the necessary variances and gave them also the right to leave them there permanently, they don't give them the approval to have them there permanently, only this board can do that.

MR. MC MAHON: That's correct, that's why I'm here this evening because I wasn't invited to the other meeting, zoning board, I would have been there because there's certain misstatements made in the zoning board meeting

that have to be clarified.

MR. LANDER: You should have been notified.

MR. MC MAHON: I should of and there are people that are not notified for this meeting tonight.

MR. LANDER: Adjoining property owners.

MR. MC MAHON: Who I spoke to.

MR. LANDER: Adjoining properties owners should have been notified.

MR. MC MAHON: There was a statement made in the zoning board.

MR. LANDER: How many?

MR. PETRO: Thirteen.

MR. LANDER: Thirteen envelopes were sent out to adjoining property owners.

MR. PETRO: Zoning board's 500 feet. So he should have been notified, unless some of the letters, they don't go out certified, they're witnessed going out and I'm just saying it's possible your letter was lost.

MR. MC MAHON: Letters for the July 28 meeting, there are people there that are too elderly to get here and people that were not living at one of the addresses, there are two homes listed for one name and they weren't living there in '98 but I don't want to get into that at this moment.

MR. PETRO: We're trying to determine how it went to temporary before the board as permanent.

MR. MC MAHON: You did that at the July 22 meeting, if I'm not mistaken for two years now, okay, there was all the time in the world for them to check out the building to find out if they could do the renovation and the buildings were there. Now we're used to having them there and pretty tough to tell somebody to move a

modular building, it costs a little bit of money. But besides that, all right, if these buildings are allowed to stay which I say is a foregone conclusion, all right, I don't say you're in favor of it, but I'm saying that it looks like they'll be approved, they meet all the building and fire requirements, everything's hunky-dory, I would like to see a fence across the back of my yard and Mrs. Alisi's (phonetic) yard, not a metal fence, a wooden fence, eight foot high, so I didn't have to see that.

MR. PETRO: What's the neighbor on the north side?

MR. MC MAHON: Mrs. Davis, she's 80 something, she can't get around.

MR. PETRO: Where is the wood fence?

MR. MC MAHON: Right across from Midway, he's not here tonight either.

MR. PETRO: He has the nice fence. Where is the wood fence?

MR. ROSENBLUM: If I could?

MR. BABCOCK: It's between them and Ponessi.

MR. PETRO: Nothing in the rear?

MR. MC MAHON: Nothing in the rear and there was supposed to be trees, they planted them and they all died within a couple months.

MR. PETRO: We didn't ask for a fence in the rear or screening?

MR. MC MAHON: Screening died about a month after it was put in.

MR. ROSENBLUM: It was planted twice, the zoning board was aware of that, they didn't address it as far as the variance.

MR. MC MAHON: Not in the back.

MR. PETRO: Are you opposed to putting the wood fence around the rear of the property?

MS. EPSTEIN: Not at all.

MR. PETRO: You'll do that?

MR. MC MAHON: Will I have to pay for part of that like Mr. Ponessi? Mr. Ponessi had to pay for part of the fence going up. I'm telling you for the record Mr. Ponessi had to pay for it.

MS. EPSTEIN: Rita Epstein, Director of Windsor Academy. The reason Tony Ponessi paid for part of the fence he wanted to upgrade what the type of fence that was going in there, in other words, we were willing to put in 6 foot stockade and he wanted an upgrade so we made a mutual agreement.

MR. PETRO: You're saying that you will bring that fence out around?

MS. EPSTEIN: The same fence, no, 6 foot stockade, just as we were asked to do before. We were not asked to put in a lattice fence, we were asked to put in 6 foot stockade fence that you cannot see through.

MR. PETRO: Eight foot fence you need a variance?

MR. BABCOCK: Not if it's screening by this board, if it's a required site plan screening by this board, it's fine.

MS. EPSTEIN: That fence around the property is on a hill.

MR. ROSENBLUM: Yes.

MS. EPSTEIN: So that automatically putting a 6 foot fence on a hill is going to create a much higher barrier.

MR. PETRO: Are you opposed to 6 foot stockade fence? I'm just trying to be a mediator.

MR. MC MAHON: No, it's all right, I'm just here to express my feelings.

MR. PETRO: That's a valid point that we can look at is the fencing, so if they're agreeing to do it.

MR. MC MAHON: Can we go back to what I said, by the way, the stuff that was put in the back there, the trees died after about a month or two and nothing was used to replace them, gone.

MS. EPSTEIN: We replaced them twice, it was at that point that Mr. Ponessi requested a fence.

MR. MC MAHON: No, I think with your, you can talk about his property.

MS. EPSTEIN: Let me finish. Mr. Ponessi requested a fence on his side because after all the trees and we agreed that they were not taking, it was not an appropriate screening, it was at that point that this was requested for his side. We have always been willing to put up a fence, for the record, we have always been willing to put up a fence for our neighbors.

MR. MC MAHON: I'm asking tonight first time tonight, I want to thank you.

MS. EPSTEIN: We have no problem with that.

MR. MC MAHON: I'm asking that the fence be put up in the back across my property and Mrs. Ponessi's, I don't know about Mrs. Davis', Mrs. Alisi's.

MR. PETRO: We'd do the whole rear yard, actually, should probably come 20 or 30 feet up the other side also.

MS. EPSTEIN: Ah-huh.

MR. PETRO: Can't just do a couple yards.

MR. MC MAHON: Sounds like it's a done deal so--

MR. LANDER: It's not really a done deal, I haven't been in favor of these temporary trailers from the beginning.

MR. MC MAHON: I knew when they went in I said they were going to be permanent.

MR. LANDER: Mary Davis, was she notified, do you know, property owner next door to you?

MR. MC MAHON: I don't know. I know someone that wasn't.

MR. LANDER: Mrs. Alisi?

MR. MC MAHON: I believe she got a notice.

MR. PETRO: Se did.

MR. MC MAHON: She has difficulty getting around.

MR. BABCOCK: Just for the record, the town supplies that list on our active computer base of who these people need to be sent to, it has nothing to do with the applicant, they have to pay for a list that we through the assessor's office based on the latest data that they have.

MR. PETRO: Tom, other than staying here, not staying here, do you have any other planning board or planning concerns with the site plan itself?

MR. MC MAHON: I want to thank the board and yourself for letting me come tonight and say my piece.

MR. PETRO: That's what we're here for.

MR. MC MAHON: But I'm a confused citizen of this community, this is a very large business and an area which has small businesses, no problem with that. They have two modulars in there, nothing wrong with that, they're for children and it was my impression from the meeting and the minutes that they were temporary and actually, they're setting a precedent by having two



modulars in there. I'd just like the board to think about that and thank you very much for letting me speak tonight.

MR. PETRO: Yes, ma'am?

MRS. MC MAHON: My name is Joan McMahon, I live at 31 Cross Street. I think our main concern is for the future, if these modulars are approved and they're permanent and the school needs more space and decides to sell the property to someone else, it seems in this case the person who buys the property also gets the modulars because they're on there as a permanent basis. Question is what can these modulars be used for in the future? Maybe not something for school, maybe for something else? I have no idea. But that's a concern of ours.

MR. PETRO: I would say they can be used for any permitted use in the zone and may that be an office, that's possible, it could be whatever the zone calls for. What's the zone?

MR. ROSENBLUM: NC.

MR. PETRO: NC zone could be an office, could be any permitted use in the NC zone, could be a permanent structure.

MRS. MC MAHON: Apartments?

MR. BABCOCK: No.

MR. ROSENBLUM: I believe clubs, restaurants, anything like that.

MR. PETRO: That would be very highly unlikely, it would be a change in use, even if it was a permitted use, we wouldn't go for a club there. I think that would be a very--funny you should pick that one.

MR. ROSENBLUM: Zoning board had spoken about--

MR. PETRO: As far as someone buying the property and comes in here with further expansion, if they want to

put a phone booth up, they'd have a real hard time.

MRS. MC MAHON: No, I meant the use of the modulars themselves so close to our property, it's like what could they be used for?

MR. MC MAHON: If someone else bought the property, the whole property.

MR. PETRO: Any use in the NC zone, but I think going from the classrooms and the children probably be more of an improvement just if it did go to an office, I would say that you would never know anybody's there. So I think you're at your worst case scenario, not saying that your business is a bad thing, I'm talking about the impact for neighbors.

MRS. MC MAHON: Something else I have to say with all due respect to Mr. Petro, the last time that we came, one of the times we came here, it wasn't until after everyone had voted and all that we found out that your son was a student at the school. And you had voted in favor of them, you said of course this has nothing to do with my son being a student but I'm wondering if that's proper. I don't know if he's still a student there or what connection you have.

MR. PETRO: My son is not a student of the school. At the time, he was attending the school on I think a two day basis, and really, I mean, to think that that would influence my thinking is absurd.

MRS. MC MAHON: I don't know, I think myself, if I were on the board and I had that kind of involvement, I would have to excuse myself. That's my feeling.

MR. PETRO: If I felt that it was or if I was under the advice of an attorney that it was a strong enough reason to excuse myself, I would. But I would believe that you and I are on different ends of the world in thinking that that would be reason for me to excuse myself from running this board, my five year old was attending the pre-school.

MRS. MC MAHON: I'm not saying that it did influence

you, but in general, it's just my opinion because I don't really know, but I would think someone would have to excuse themselves.

MR. PETRO: Okay, let's go to a different subject. Anybody want to speak on something that we haven't talked about? Motion to close the public hearing.

MS. DONNEGAN: I live on Riley Road where Windsor Heights is, we have all this building going on around us. We also have property at the end of Riley Road by 94 and Riley that's just been sold, I'd like to know what's going to be there?

MR. PETRO: What does that have to do with this application?

MR. LANDER: Your question has to be about this subject that we're talking about right now, the school.

MR. PETRO: Don't leave later and we'll talk to you about it. Anyone want to speak on behalf of this application? Motion to close the public hearing.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board close the public hearing for the Windsor Academy site plan on Route 94.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'll open it back up to the board for any further input. About the screening in the rear from Mr. McMahon, I think that we should bring that fence around the back and I would also suggest that you bring it up the southerly side a little bit anyway, just to make it look more uniform instead of

dead-ending it at a corner. You're a better architect than I am so you can figure out how far to come up the corner.

MR. ROSENBLUM: Shielding part of the parking lot of the, just to break the view up passed the modular you mean?

MR. PETRO: I think so.

MR. ROSENBLUM: Just something on this end closing it off.

MR. PETRO: Use your judgment but the entire rear.

MR. ROSENBLUM: I'll go over that with the fire department, if that's acceptable, just so we have the proper exits, clearances.

MR. PETRO: No, with the owner, what the owner said made sense, I know that the property does go up in the rear, so I would think that a 6 foot would be sufficient in my opinion. Does anybody have anything to add? Mr. McMahon, how about you, do you think it should be higher. I'm just trying to make you happy.

MR. MC MAHON: I thought an eight foot.

MR. PETRO: Why don't you do the eight foot and be done with it, do the eight foot, you don't need the variance, the board is requesting it.

MS. EPSTEIN: Can it be a regular stockade fence?

MR. PETRO: Yes, in the rear.

MS. EPSTEIN: The good side will of course face Mr. and Mrs. McMahon.

MR. PETRO: It has to in New Windsor.

MS. EPSTEIN: We'll set that up tomorrow.

MR. ROSENBLUM: We must get a layout that's acceptable first.

MR. PETRO: Back to the site plan, we have a fire approval on 7/13/2001.

MR. LANDER: Marshall, where would the layout not be acceptable to the fire department?

MR. ROSENBLUM: What I was concerned with is at the, where we can turn the fence up at the rear, what clearance they would need to be able to have access back there or they had one time discussed staging with us, should there be difficulty here, as long as that's not contained, but you do have exits coming out of the back of this modular, so I just want to carefully review that you have a rear, the one in the rear could theoretically exit out that rear yard.

MR. PETRO: Tell you what, just do the rear line, forget what I said earlier, because it would be better to keep it open so we don't have that headache.

MR. ROSENBLUM: I can return it even a few feet to stabilize it.

MR. PETRO: Yeah, that's a good idea, okay.

MR. ROSENBLUM: Okay.

MR. PETRO: That's the entire three lots in the rear, be doing all three lots, you don't have any lighting on the site that would be going in their direction?

MR. ROSENBLUM: Nothing has changed, no.

MR. PETRO: Is the lighting acceptable at night?

MR. MC MAHON: I think with the fence, it will be better because I won't see it, but it's for certain types of purposes which it does serve, two exit doors and also as was indicated at one of the meetings, they'd have it going, they have it going on there, at one time, people were breaking into the building because it was abandoned for quite some time, it wasn't a continuous use by any means, that building was empty for a long long time.

MR. PETRO: Tom, do you have anything else?

MR. MC MAHON: No. Mr. Chairman, sir, is there a time limit as to when they have to put that fence up or is that going to be an open-ended thing?

MR. LANDER: No, we'll give them a time limit.

MR. MC MAHON: Can we give them an idea?

MR. ROSENBLUM: If you don't need to discuss the clearances, we can say that it would be within a couple feet off the property line, we need to get it staked so we don't encroach, theoretically, they can go in next week or whenever they can schedule it.

MS. EPSTEIN: You have to have somebody survey the back.

MR. ROSENBLUM: We'd have to get a building permit, if we had site plan approval, we'd get a building permit.

MR. PETRO: Let's do it this way, 60 days from tonight, put that right in the minutes, you have 60 days to put the fence up. Anybody disagree with that?

MR. ARGENIO: No.

MS. EPSTEIN: Before the winter.

MR. LANDER: If you can get it in sooner, fine.

MS. EPSTEIN: Absolutely.

MR. PETRO: Next week would be better. Do you have any comment from the neighbor to the north?

MR. ROSENBLUM: He's happy, he didn't even feel a need to be here, I'm sorry, I'm relating a third party but--

MR. PETRO: One last thing I just wanted to go over Marshall is we had directed the traffic off of 94 one way, I see that you have the arrows depicting that you're going to go in from the southerly entrance?

MR. ROSENBLUM: Because the school buses exit only from one side, it would be a hazard to change that direction.

MR. PETRO: We mentioned the other way because of the proximity to the Midway curb cut, I think, but we went back to this because of the school bus, they didn't want to cross the road.

MR. ROSENBLUM: Kids can't cross in front of the buses.

MR. PETRO: All the blacktop has been done?

MR. ROSENBLUM: A substantive part of it, there's still some that needs to be done and the fine grading of the blacktop needs to be addressed with some remediation. In addition, I show an expanded area of blacktop for a play area going over along with the dumpster enclosure as an improvement from the prior plan, so the dumpster's now shielded on the side. It won't be visible as well, same kind of stockade, we have cleaned it up to the side right now.

MR. PETRO: Are the signs up for the one way in?

MR. ROSENBLUM: No, we need to get the exact model number, there's some discrepancy whether it was a silk screen product and Mark was sick, it's very easy, as soon as I can.

MR. BABCOCK: According to Mark's comment, they should be approved as far as DOT or whatever standard DOT--

MR. PETRO: The only concern I have, I'm going over some of these things because normally, what we'd do is not issue a building permit until all the site plan work was completed, you're already, you're there and you're occupying it. So once you leave tonight we're going to have very little thumb over you to get things done, I know that you will do it, I know these ladies are going to do it, but sometimes, things are forgotten and we'll have a hard way to get it done.

MR. ROSENBLUM: You did request a bond for the

completion of the work, typically that could be used.

MR. PETRO: Well, we're going to request a bond for it again, you're going to just you could say that we're doing it, it's going to be done next week and we're going to forego the bond right now, we'll require a bond that will be part of the final approval so that will give us so if it's not done, we can give a summons of some kind from the building department. I want to get everything done.

MR. BABCOCK: Marshall, have you done a bond estimate yet?

MR. ROSENBLUM: I haven't because I really didn't know.

MR. BABCOCK: We want to get the final.

MR. ROSENBLUM: That can certainly be done.

MR. BABCOCK: Based on the bond estimate and approval we'll establish a bond with that number and they'll have to post bond and once they do the work--

MR. ROSENBLUM: What I will do is go over the components.

MR. PETRO: I can say I don't want to post a bond if I'm him, I'm already using the building.

MR. BABCOCK: You've said they're going to need it to get the approval, if this was to be approved.

MR. PETRO: It's going to be a subject-to, sure, I won't sign the plan, but the plan can be signed nine months from now. I'm just--

MS. EPSTEIN: For the record, can we say in good faith we'll certainly comply with everything that's been requested in a timely manner. Please put that in the record.

MR. PETRO: Okay.

MR. LANDER: Do we have anything from DOT?



MR. PETRO: Not applicable, they didn't change anything, DOT does not apply, curb cuts are existing and they're not in the State right-of-way, okay. Ron, do you have anything else?

MR. LANDER: They're going to be working in the State right-of-way when they pave the entrance, is it paved yet, Marshall, the entrance?

MR. ROSENBLUM: It's been paved for some time but it's not fully, it's not fully formed. So we would still have to get, a contractor would have to get a highway work permit for this particular application.

MR. LANDER: Don't need new curbs, but you need a highway work permit. Mr. Krieger, would you enlighten me on the zoning board, was there any neighbors or property owners, I should say, at the zoning board meeting that these variances were requested?

MR. BABCOCK: Mr. Chairman, we should have a copy of the zoning board minutes, I'm not trying to help Andy here but it's, I was at that meeting also and I don't recall, I wouldn't be able to speak to it.

MR. MC MAHON: I have the minutes of that meeting, there were four people there from the community that objected to whatever, I have it right here.

MR. LANDER: They still received their variances though?

MR. MC MAHON: Who?

MR. LANDER: This project?

MR. MC MAHON: Well, whatever, but you asked if there was anybody objected, there were four people that objected.

MR. PETRO: We have the minutes here also.

MR. LANDER: They got the notices for the zoning board meeting and four people showed up, they voiced their

opinion.

MR. MC MAHON: They figured this was another scenario because the zoning board declared that there was no hazard or whatever there so they were going to approve it but there were a number of misstatements which I can't address, but the people felt what the heck, if they've approved it for the zoning, the planning board's going to go along with it and that usually is what happens so--

MR. LANDER: Misstatements, can you let me know what that means, a misstatement?

MR. MC MAHON: Yeah, sure, not here at this meeting formally, no. I don't think it's the place for it, I don't think but I will.

MR. LANDER: Well, I have to make a decision.

MR. MC MAHON: I have to look through it again.

MR. LANDER: She has the minutes right here, Tom. Mr. Ponessi was happy but the school was there in '98 and this is 2000, he wants to know why the school had--

MR. PETRO: He's happy now.

MS. EPSTEIN: The fence was put up August of 2000, it's been up over a year now.

MR. BABCOCK: When was the date of that?

MR. LANDER: October 25, '99, that's the zoning board meeting we're talking about.

MR. BABCOCK: So, at that meeting when Mr. Ponessi was there, the fence had not been installed.

MR. LANDER: But didn't for this application they go to zoning?

MR. BABCOCK: That's correct.

MR. LANDER: Lot of things changed in two years, see

what I'm getting at? Did you get all that, Nancy Cohen lives where Tom is.

MRS. MC MAHON: Nancy Cohen is the daughter of Mrs. Ponessi, she came to speak for her mother.

MR. LANDER: She doesn't even live here?

MRS. MC MAHON: No.

MR. LANDER: Tom, is there any pages I should be looking at specifically here?

MR. MC MAHON: Well, it's really, I don't want to belabor the point, I don't have a page on this, probably you have the introduction and then the second page under C, it's, you have, I have the memorandum of decision granting area variance, I don't have the minutes, but I have that, I didn't get the minutes for that one, I just got the memorandum of decision granting an area variance.

MR. ARGENIO: Mr. Ponessi's happy with the fence.

MR. ROSENBLUM: Yes.

MR. MC MAHON: It's a beautiful fence.

MR. BABCOCK: As far as Mr. Ponessi, he visited me quite often throughout this process and the last time he visited me, he told me that he had met with them and they agreed on the fence and the next time I happened to see him out in the public, he told me that he was happy and everything was done as far as he was concerned. And I haven't heard from him since then.

MR. LANDER: Well, evidently, Mr. Ponessi has changed his tune, he objected to it here in '99, October 25, but now with the addition of the fence, he doesn't have a problem with it so we're told again Mr. Ponessi's not here to voice his opinion so we can go with what we have.

MR. PETRO: Okay, the only subject to here we're going to have would be the, of the bond estimate would be

submitted in accordance with Chapter 19 per the Town Code, that's all the items I was discussing before. Add to the map before final signing and show the fence on the rear of the property line. Other than that, I will entertain a motion again, I'm sorry, for negative dec first, please, motion for negative dec.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Windsor Academy site plan on Quassaick Avenue. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Motion for final approval.

MR. LANDER: Can't get the same fence all the way around?

MR. ROSENBLUM: I believe it was very expensive, I will defer to, it's a finished fence, it was, you know, hand stained several coats both sides.

MR. LANDER: It was very nice.

MR. ROSENBLUM: It's finished, trimmed, lot of work.

MS. EPSTEIN: May I ask a question? What's the length of that entire back that we'll be fencing as compared to the north side?

MR. ROSENBLUM: Property is 200 feet so you're probably about 195.

MS. EPSTEIN: So it's about the same as what we did on

the north side.

MR. PETRO: The side is 250 so it's 20 percent less.

MR. ROSENBLUM: We did 100 foot.

MR. PETRO: Same size.

MS. EPSTEIN: We would, a comfortable compromise would be that we'd put the same fence at the back but keep it at 6 foot, what if we said instead of putting eight foot plain stockade we'd put 6 foot lattice identical fence. Would that be acceptable?

MR. PETRO: He's gone, I think you're just better off with the eight foot stockade fence and it's in the rear of the property.

MS. EPSTEIN: We'll price both and if it's within our budget, we'll put the lattice work but we don't know, it may not be within our budget.

MR. ROSENBLUM: I would suggest that the lattice work would let some light through, I'd stay with the stockade or a solid or at a higher grade, a solid picket fence.

MR. LANDER: Stay with the eight foot stockade fence, all right?

MR. ROSENBLUM: Solid picket fence.

MR. PETRO: Something solid eight foot.

MS. EPSTEIN: Solid, okay.

MR. PETRO: Motion?

MR. KARNAVEZOS: Make it.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning board grant final approval to the Windsor Academy site plan on Quassaick Avenue subject

to the bond requirement per Chapter 19 Town Code, the fence being put on the plan and being built, obviously, as shown on the plan as we have discussed for the last hour. Is there any further discussion from the board members? If not, roll call.

MR. ARGENIO: Before I cast my vote, I just want to say that this is probably one of the more difficult applications I have voted on since I have been on this board and additionally, I'm very disappointed in that Mr. McMahon and his wife didn't stay in here until the final vote. My vote is yes.

MR. LANDER: I also have something to say. Everyone that's sitting here now, just because you're only one person, you make your voice heard, if you have a problem with something that at a public hearing you've got to show up, you can't have just one or two voices. I mean, there's only one property owner that says he has a problem with it, you know, if they all had a problem with it, classrooms would be gone.

MR. ARGENIO: Some very good points.

MR. LANDER: So you always have to let your voice be heard. My vote is yes.

MR. PETRO: Before I vote, I would say this, that if I can vote ten times, I'd vote ten yes.

MR. KARNAVEZOS: Yes.

MR. ROSENBLUM: Thank you.



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CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

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**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** WINDSOR ACADEMY SITE PLAN  
(AKA ABC LEARNING and HEADS, HANDS & HEARTS)

**PROJECT LOCATION:** 271 QUASSAICK AVE (RT. 94)  
SECTION 40 – BLOCK 3 – LOT 37

**PROJECT NUMBER:** 99-17

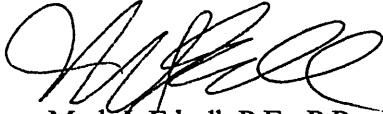
**DATE:** 10 OCTOBER 2001

**DESCRIPTION:** THE APPLICATION INVOLVES A PROPOSED CONVERSION OF  
THE EXISTING MODULAR UNITS FROM TEMPORARY  
(AS PREVIOUSLY APPROVED) TO PERMANENT AT THE EXISTING  
SITE. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE  
23 JUNE 1999 AND 25 JULY 2001 PLANNING BOARD MEETINGS,  
AND IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS  
MEETING.

1. The two modular classroom units were previously approved as a Special Permit Temporary use.
2. The application was reviewed during May 1999 and June 1999 Planning Board meetings, and was referred to the ZBA during June 1999. It is my understanding that variances were required for use of the modulars as permanent, and variances were required for side yard, total side yard and rear yard setback. The variance date and reference number are indicated on the plan.
3. I have no new plans for this application. I previously recommended that the one-way signs be a specific NYSDOT standard. I recommend the detail be revised to reference R3-10 and R3-11 signs (two units mounted back to back on double posts at each driveway location), subject to approval of the NYSDOT.
4. The Board should insure that, procedurally, SEQRA has been completed, prior to considering any action. Current status should be verified with the Secretary to the Board.

5. The Planning Board should require that a bond estimate be submitted for this Site Plan in accordance with Chapter 19 of the Town Code.
6. I am aware of no other outstanding technical issues.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW99-17-10Oct01.doc



RESULTS OF P.B. MEETING OF: October 10, 2001

PROJECT: Windsor Academy P.B.# 99-17

7/25/01 Agenda  
LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y    N   

M) L S) A VOTE: A 4 N 0

2. TAKE LEAD AGENCY: Y    N   

CARRIED: YES    NO   

M)    S)    VOTE: A    N   

CARRIED: YES    NO   

Close  
WAIVE PUBLIC HEARING: M) A S) K VOTE: A 4 N 0 Close  
WAIVED: Y    N   

SCHEDULE P.H. Y    N   

SEND TO O.C. PLANNING: Y   

SEND TO DEPT. OF TRANSPORTATION: Y   

REFER TO Z.B.A.: M)    S)    VOTE: A    N   

RETURN TO WORK SHOP: YES    NO   

APPROVAL:

M)    S)    VOTE: A    N    APPROVED:   

M) K S) L VOTE: A 4 N 0 APPROVED CONDITIONALLY: 10-10-01

NEED NEW PLANS: Y    N   

DISCUSSION/APPROVAL CONDITIONS:

<u>8' stockade fence to be put along the rear of the property</u>
<u>and <del>and part of the south side of the property</del></u>
<u>to be in no later than 60 days from today.</u>
<u>Address Mark's Comments of 10/10/01</u>
<u>Cost Estimate</u>

In the Matter of Application for Site Plan Subdivision of  
Windsor Academy Site Plan (99-17),  
Applicant.

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

That I am not a party to the action, am over 18 years of age and reside at 350 Bethlehem Road, New Windsor, NY 12553.

On September 18, 2001, I compared the 13 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for Site Plan/Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason  
Myra L. Mason, Secretary for  
the Planning Board

18<sup>th</sup> day of September, 192003

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 2003  
AFFIMAIL.PLB - DISC#1 P.B.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

August 29, 2001

ABC Learning Center  
271 Quassaick Ave  
New Windsor, NY 12553

Re: 40-3-37 (Windsor Academy)

Dear Sirs,

According to our records, the attached list of property owners are abutting to the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Cook".

Leslie Cook  
Sole Assessor

LC/bw  
Attachments

CC: Myra Mason, PB

40-2-14  
Bi Fang & Xiao Ji Zheng  
266 Quassaick Ave  
New Windsor, NY 12553 ✓

Andrew Krieger, ESQ.  
219 Quassaick Ave  
New Windsor, NY 12553 ✓

40-2-15  
Rachel & Jerald Fiedelholtz  
59 Beattie Road  
Washingtonville, NY 10992 ✓

James Petro, Chairman  
Planning Board  
555 Union Ave  
New Windsor, NY 12553 ✓

40-2-16  
John Carpenter  
277 Quassaick Ave  
New Windsor, NY 12553 ✓

Mark J. Edsall, P.E.  
McGoey and Hauser  
Consulting Engineers, P.C.  
33 Airport Center Drive, Suite 202  
New Windsor, NY 12553 ✓

40-3-9  
Marie Davis  
33 Cross Street  
New Windsor, NY 12553 ✓

40-3-10  
Joan & Thomas McMahon  
31 Cross Street  
New Windsor, NY 12553 ✓

40-3-11  
Anna & Angelo Alessi  
29 Cross Street  
New Windsor, NY 12553 ✓

13

40-3-36  
Kary & Vincent Tangredi  
273 Quassaick Ave  
New Windsor, NY 12553 ✓

40-3-39  
Ruth & Richard Pennisi  
265 Quassaick Ave  
New Windsor, NY 12553 ✓

George J. Meyers, Supervisor  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553 ✓

Deborah Green, Town Clerk  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553 ✓

**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF  
NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC  
HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on  
OCTOBER 10, 2001 at 7:30 P.M. on the approval of the proposed Site Plan  
Approval for WINDSOR ACADEMY SITE PLAN  
(Tax Map #Section 40, Block 3, Lot 37)

Located at 271 QUASSAICK AVENUE.

Map of the Site Plan is on file and may be inspected at the Planning Board Office,  
Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: SEPTEMBER 10, 2001

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman

OK 8/16/01  
[Signature]



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## REQUEST FOR NOTIFICATION LIST

DATE: 8-16-01

1763

NAME: (Heads, Hands and Hearts, Inc)  
Windsor Academy

TELE: ( ) 562-0270

ADDRESS: 271 Quassaick Ave  
N.W., N.Y.

Please notify Marshall Rosenblum

TAX MAP NUMBER: SEC. 40, BLOCK 3, LOT 37  
SEC. \_\_\_\_\_, BLOCK \_\_\_\_\_, LOT \_\_\_\_\_  
SEC. \_\_\_\_\_, BLOCK \_\_\_\_\_, LOT \_\_\_\_\_

PUBLIC HEARING DATE (IF KNOWN): \_\_\_\_\_

### THIS PUBLIC HEARING IS BEING REQUESTED BY:

#### NEW WINDSOR PLANNING BOARD:

##### SITE PLAN & SUBDIVISIONS:

(LIST WILL CONSIST OF ABUTTING  
PROPERTY OWNERS AND ACROSS ANY STREET)

☒  
YES

##### ~~SPECIAL PERMIT ONLY:~~

~~(LIST WILL CONSIST OF ALL PROPERTY  
OWNERS WITHIN 500 FEET)~~

~~YES~~

##### ~~AGRICULTURAL DISTRICT:~~

~~(LIST WILL CONSIST OF ALL PROPERTY OWNERS  
WITHIN THE AG DIST. WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT)~~

~~YES~~

\*\*\*\*\*

#### ~~NEW WINDSOR ZONING BOARD:~~

~~(LIST WILL CONSIST OF ALL PROPERTY  
OWNERS WITHIN 500 FEET)~~

~~YES~~

\*\*\*\*\*

AMOUNT OF DEPOSIT \$ \_\_\_\_\_ TOTAL CHARGE \$ \_\_\_\_\_

Windsor Academy - Public Hearing <sup>10/10/01</sup> #99-17

Thomas

McMahon : Cross Street - Spoke regarding statement in minutes  
re: the classrooms not being made permanent.

Jean McMahon: Questioned if this will be added to and what  
else can they be used for if the property is  
sold.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
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New Windsor, New York 12553  
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507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 99 - 17  
WORK SESSION DATE: 1 Dec. 99 APPLICANT RESUB.  
REQUIRED: New plan  
REAPPEARANCE AT W/S REQUESTED: No  
PROJECT NAME: ADC Learning  
PROJECT STATUS: NEW \_\_\_\_\_ OLD X  
REPRESENTATIVE PRESENT: Marshall & Lita  
MUNIC REPS PRESENT: BLDG INSP. \_\_\_\_\_  
FIRE INSP. X  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Plan lists all variances & date
- Recommend site visit
- ZBA recommend additional screening
- poss screen add'l toward front
- add awning - add perm.
- Get into ZBA ASAP
- Marshall will redo plan & make A/B & accurate

CLOSING STATUS

\_\_\_\_\_ Set for agenda  
\_\_\_\_\_ X possible agenda item  
\_\_\_\_\_ Discussion item for agenda  
\_\_\_\_\_ ZBA referral on agenda

pbwsform 10MJE98



DECISION - WINDSOR ACADEMY (FROM 10/25/99 MEETING)

MR. NUGENT: We have two items left, one is the decision of Windsor Academy.

MR. KRIEGER: Entertain a motion to take it off the table.

MR. TORLEY: I move we bring this application off the table and open for consideration.

MR. KANE: Second the motion.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. KRIEGER: Now you can debate it, do whatever you're going to do.

MS. BARNHART: How about a decision?

MR. TORLEY: Do you have anything you want to ask?

MR. KANE: No, I read the minutes and remember the preliminary. The public hearing is closed?

MS. BARNHART: No, you left it open to this meeting.

MR. NUGENT: Would you like to speak any further?

MR. ANTHONY PENESSE: My name again is Anthony Penesse, I'm a bordering neighbor and I still object to what decision is going to be, well, I still object to their request.

MS. BARNHART: It's so noted, thank you.

MR. NUGENT: One of the things that was brought up at the, I'm closing the public hearing now, I'm opening it back up to the board, one of the things that was noted in the discussion was a possibility of additional

shrubbery or screening between two properties because of the car lights in the morning and at night, now especially this time of year. I'm sure that that could be addressed if we so felt that it was necessary. Are there any other questions or comments?

MR. KANE: I think the screening is necessary for the neighbors, if this was to be approved, that they put a little bit more screening so they have, you know, a little bit more peace of mind, although the applicants do have a right to use their property in a commercial fashion in a commercial zone.

MR. TORLEY: Is that within our purview?

MR. KRIEGER: Yes, you can attach reasonable conditions, that is a reasonable condition, yes.

MR. NUGENT: Is there anything else?

MR. REIS: Should we make that interpretation, should we spell that out as far as trees or stockade fence or--

MR. BABCOCK: This applicant, keep in mind this applicant has to go back to the planning board for their final approval.

MR. NUGENT: That is an issue that they'd address.

MR. BABCOCK: If you feel, I think maybe you should spell out where you might want it and maybe the planning board would make the decision, they have screening partial there now, so I'm sure they'd be consistent in what they put up there.

MR. NUGENT: Right.

MR. TORLEY: In that case, entertain a motion?

MR. NUGENT: Yes, I will.

MR. TORLEY: Mr. Chairman, I move we grant Windsor Academy their requested variances with the provision that adequate screening be in, adequate and additional

screening be in placed along the border with their neighbors for light control and sound control as we're sure the planning board will consider.

MR. KANE: Second the motion.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

ZONING BOARD OF DEALS  
October 25, 1999

*Cum*

AGENDA:

7:30 p.m. – Roll Call

Motion to accept minutes of the 9/13 and 9/27/99 meetings as written.

PRELIMINARY MEETING:

*SET UP  
FOR P/H*

1. **HANSEN/NOE** – Request for 10 ft. rear yard variance for existing garage at 38 Beaver Brook Road in an R-4 zone. (58-4-8).

*SET UP  
FOR P/H*

2. **QUINN, JOHN** – Request for use variance for two-family dwelling at Windsor Garden Drive (violation of site plan approval for single-family homes by P.B.) in R-5 zone. (38-1-1.1).

PUBLIC HEARING:

*TABE TO  
11-8-99  
ZBA MEETING*

3. **WINDSOR ACADEMY** – Request for 85 ft. side yard, 139 ft. 8 in. total side yard, 85 ft. rear yard and 4.18% developmental coverage to allow modular units on a permanent basis for classrooms at 271 Quassaick Avenue in an NC zone. (40-3-37).

Formal Decisions: (1) Wolf (2) Kadian (3) Barbera (4) Yonnone (5) Villa.

*APPROVED*

Pat 563-4630 – (office) or  
562-7107 (home)

DISCUSSION

MR. PETRO: Mike, do you have anything?

MR. LUCAS: Yeah, I have two neighbors of the school that's over by Midway Market, I always forget the name of it, asked me about the trailers that are there.

MR. PETRO: Windsor Academy.

MR. LUCAS: They asked me if they're going to be coming in front of the board for final approval and I said that I would find out. I think they are.

MR. PETRO: They are at Zoning Board right now, Mike, so that's where the process is, they're in the process of finishing up at Zoning Board. Obviously, if they don't have any success there, they won't be here. If they do, they'll be back here and at that time, we'll have a public hearing.

MR. LANDER: What type of variances?

MR. PETRO: Side yard and coverage, I believe.

MR. BABCOCK: To keep temporary trailers on a permanent basis.

MR. PETRO: We gave them a year.

MR. BABCOCK: They haven't had the public hearing yet.

MR. LANDER: That's just adjoining property owners?

MR. BABCOCK: Within 500 feet.

MR. ARGENIO: It's a difficult application, those people are in a very, very tough spot, tough spot meaning politically tough spot. I actually went to that place to look at it because it's such a, they got put in a bad position.

MR. LUCAS: They put themselves in a bad position.

MR. ARGENIO: Normally, I wouldn't get all worked up

over a coverage issue, but they have a coverage issue.

MR. LUCAS: I'm more concerned because of fire access and type of buildings that they are that really, I just don't like the whole situation, and they had problems and that promised us that was a temporary situation, that I believe is in the record.

MR. ARGENIO: It is. The woman there actually gave me a tour of all the buildings because it's, they are in a tough spot, it's a difficult thing.

MR. PETRO: Motion to adjourn?

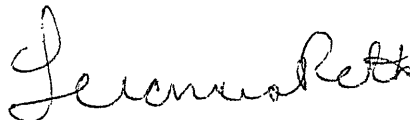
MR. ARGENIO: So moved.

MR. LUCAS: Second it.

ROLL CALL

MR. LANDER	AYE
MR. ARGENIO	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth  
Stenographer

2/9/00



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor

P/B # 99-17

WORK SESSION DATE: 5-16-01

APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: No

new plan

PROJECT NAME: Windsor Academy

PROJECT STATUS: NEW        OLD X

REPRESENTATIVE PRESENT: Kuba / MR /

MUNIC REPS PRESENT: BLDG INSP.         
FIRE INSP. X  
ENGINEER X  
PLANNER         
P/B CHMN.         
OTHER (Specify)       

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Show new fence. w/ gates?
- Show dumpster end.
- revised slightly pkg in front.
- note re unit #1 & unit #2 now proposed as perm.
- show awning.
- give MR MUCTD # for one way
- add note re exist/prop & striping.

pbwsform 10MJE98

X CLOSING STATUS next avail  
       Set for agenda  
       possible agenda item  
       Discussion item for agenda  
       ZBA referral on agenda



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

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**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** WINDSOR ACADEMY SITE PLAN  
(AKA ABC LEARNING and HEADS, HANDS & HEARTS)  
**PROJECT LOCATION:** 271 QUASSAICK AVE (RT. 94)  
SECTION 40 – BLOCK 3 – LOT 37  
**PROJECT NUMBER:** 99-17  
**DATE:** 25 JULY 2001  
**DESCRIPTION:** THE APPLICATION INVOLVES A PROPOSED CONVERSION OF  
THE EXISTING MODULAR UNITS FROM TEMPORARY  
(AS PREVIOUSLY APPROVED) TO PERMANENT AT THE EXISTING  
SITE. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE  
23 JUNE 1999 PLANNING BOARD MEETING.

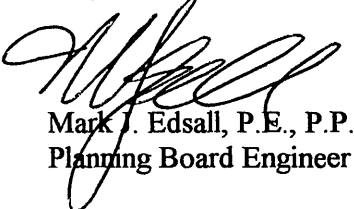
1. The two modular classroom units were previously approved as a Special Permit Temporary use.
2. The application was reviewed during May 1999 and June 1999 Planning Board meetings, and was referred to the ZBA during June 1999. The applicant and their representative should advise the Board of the ZBA discussions and findings. It is my understanding that variances were required for use of the modulars as permanent, and variances were required for side yard, total side yard and rear yard setback. The variance date and reference number are indicated on the plan.
3. A previous review by the Fire Inspector's office noted several concerns. It is my understanding that this has been resolved, and an approval letter is now on file.
4. I previously recommended that the one-way signs be a specific NYSDOT standard. I recommend the detail be revised to reference R3-10 and R3-11 signs (two units mounted back to back on double posts at each driveway location), subject to approval of the NYSDOT.

All other comments have been addressed on this latest plan.



5. My records do not indicate any action by the Planning Board with regard to the SEQRA review process. The Planning Board may wish to assume the position of Lead Agency and make a determination regarding the type action this project should be classified under SEQRA, and make a determination regarding environmental significance. (This will be an uncoordinated review since an NYSDOT permit will be required and they will do their own environmental review).
6. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 48-19.C of the Town Zoning Local Law.
7. The Planning Board should require that a bond estimate be submitted for this Site Plan (Subdivision) in accordance with Chapter 19 of the Town Code.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW99-17-25Jul01.doc

REGULAR ITEMS:

WINDSOR ACADEMY SITE PLAN (99-17)

Mr. Marshall Rosenblum appeared before the board for this proposal.

MR. PETRO: Proposal to make two temporary modular classroom units permanent. This application involves proposed conversion of the existing modular units from temporary as previously approved to permanent at the existing site. The application was previously reviewed at the 23 June, 1999 planning board meeting and I think at that meeting, we referred you over to the New Windsor Zoning Board. Okay.

MR. ROSENBLUM: Thank you very much. At the New Windsor Zoning Board of Appeals, an area variance was granted with a condition that a permanent screen fence be erected on the north side of the property. That has been taken care of. It's finished and in place. In addition, we have designated some additional clarifications on the site plan for a dumpster enclosure with a wood slate design steel framing for support at the doors and some additional play area, I'm sorry, some additional play areas defined mostly at existing blacktop portions. There's no other site plan alteration except for the in and out signs.

MR. PETRO: Let's talk a little bit about the approvals, I see by Mark's comments and I know that you are very efficient so I'm sure they're on the plan. Why don't you tell the board and the members exactly what variances were requested and what you did receive?

MR. ROSENBLUM: I gave Mark a copy of the notes perhaps.

MR. PETRO: Mark?

MR. EDSALL: I got Marshall's file. The zoning board dealt with side yard variance, total side yard variance, rear yard variance, a minor developmental coverage variance and then the issue of the use of modular trailers on a permanent basis and they issued a

determination that I see dated February 14, 2000 granting the necessary variances.

MR. PETRO: Marshall, you had a public hearing at that zoning board meeting. Can you tell me what the attendance was like and any concerns?

MR. ROSENBLUM: The only concern was from the neighbor Mr. Ponesse next door regarding the screening and that was addressed.

MR. PETRO: Did he give you a letter saying that you had addressed it? Did we ask to see something from him?

MR. ROSENBLUM: Not that I recall. However, it's in place and he participated in the final site, I do have the receipts for that, I'm sorry, for the fence.

MR. LANDER: That date was February 14, 2000 not 2001?

MR. MARSHALL: I believe.

MR. EDSALL: 2000 on here.

MR. ROSENBLUM: That was the hearing, I think the decision is October, 2000 when it finally came through, I remember something about October.

MR. EDSALL: Public hearings were held on the 25th of October, 1999 and the 8th of November, 1999.

MR. LANDER: That was zoning board, they had their public hearing.

MR. EDSALL: Two dates, it looks like.

MR. LANDER: Marshall, let me ask you a question, if this happened February 14, 2000, it's 2001, what took so long to get back here?

MR. ROSENBLUM: Winter, we waited till the spring and then put up the fence.

MR. LANDER: February 14, 2001 would be a year and then

even--

MR. ROSENBLUM: Then we got the application in to the board, we had our meetings and discussions.

MR. LANDER: Also let me just read from Mark's comments here, previous review by the fire inspector's office noted several concerns, could you enlighten us on what the concerns were? It says they have been resolved and a letter of approval is on file.

MR. ROSENBLUM: To my recollection, they were general concerns regarding staging, in other words, where the children go in the event of a fire. In response to that, even though it wasn't a specific requirement, we have added an additional exit off the end of the ramp, in other words, on the dead-end turn of the ramp, we have added another extension leading directly to the exterior that leaves a clearer path of egress from the modulars into the open area. So even though there was no specific request, I believe that's going to accommodate that.

MR. PETRO: Okay, we have fire approval on 7/13/2001. Can I have a motion for lead agency?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Windsor academy site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Let's talk about a public hearing again, we know you just came from the zoning board, correct?

MR. ROSENBLUM: Yes.

MR. LANDER: Well, Mr. Chairman, he didn't just come from the zoning board, it's February 14 of 2000.

MR. KRIEGER: It would be an appropriate time if I might, Mr. Chairman, the request in front of the zoning board was voted on the night of the public hearing. The decision, the so-called decision that was filed later was actually a memorandum in support of that decision that was made, but the decision was actually made the night of the public hearing. So the operative date in terms of the public hearing in terms of this board's consideration for a public hearing is the date of the zoning board public hearing, not the date of, and quite frankly, it was so long ago, I don't recall.

MR. PETRO: So what you're telling me it was so long ago you feel that another public hearing is warranted?

MR. KRIEGER: It's not my business to tell the board whether it's warranted or not, I'm indicating it was a long time ago.

MR. LANDER: From what I was just told, February 14, 2000 so we're talking about, I don't know, a year and a few months here, so I think the residents that are behind there, they were the ones at the public hearing when this first came up, they were the ones that had the objections to those trailers being back there, not so much the school, but those trailers being back there. And I think they should be afforded the opportunity to come in and let their voices be heard if they want to. So I think we, my vote would be for a public hearing.

MR. ARGENIO: If I was one of the lots, I'd want to know about it, if they were going to become permanent structures.

MR. ROSENBLUM: That's been granted already, the variances have been granted, they are permanent structures. This is a planning board review for any considerations that might be applicable.

MR. LANDER: So then, well, if they have already been deemed permanent, what are we doing here now?

MR. PETRO: Just for planning board review.

MR. ROSENBLUM: This is for final planning board review, exiting, parking, in and out signs, which accommodated the comments of the town engineer for driveway clarification.

MR. LANDER: Let me go to the legal eagle here, does the zoning board have the right to declare them permanent structures?

MR. KRIEGER: Well, they gave them a variance for the erection of them or the maintenance of those structures, so in terms of area in terms of granting an area variance, yes.

MR. LANDER: They got an area variance, they didn't get a variance for the classroom per se.

MR. KRIEGER: Nor was the application for that use.

MR. ROSENBLUM: The variance is.

MR. LANDER: I'm speaking to those trailers specifically and this board is the only one that can grant them approval for having those trailers there. Am I right or wrong? It's a site plan decision.

MR. KRIEGER: It as site plan in terms of their location, they have what the zoning board gave them was the right to locate structures, in this case, there were trailers within certain dimensions which would not otherwise be allowed by the code. When this board reviews the site plan, however, it is charged with determining what's supposed to be put in there, the zoning board told them that they could put something in there.

MR. PETRO: Let me, Mike just said it best, planning board procedure has to go forward regardless of all that and if we do not do an approval, they can't stay so the bottom line is we still have the final say, I

think that's what you're getting to anyway.

MR. LANDER: Did not grant approval to have those there, the zoning board did.

MR. PETRO: Not the approval but approval of a use to have them there. I'm tending to agree with Ron, only because it has been such a long period of time, you have been there a couple years already, I don't think any complaints have come in, no problems at all, you run a beautiful operation. Let's have the public hearing, protects you, protects the town, you have already said that nobody showed up anyway, let's have a motion to have a public hearing.

MR. ARGENIO: I'll make it.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule a public hearing for the ABC School on Route 94. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Let's get back to the site plan. Anybody want to say anything about the site plan? Looks like it's cleaned up very nicely, Marshall's done a wonderful job. Mark has no further comments.

MR. EDSALL: One minor correction, I spoke with Marshall about then we're all set.

MR. PETRO: He's got to put the ZBA information complete.

MR. EDSALL: He references the date but he can likely add the details that Ron asked about.

MR. PETRO: We'll schedule a public hearing, seems that

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the board seems satisfied with what we're looking at, if there's any input from the public, if there's not, I would say you're pretty much on your way. Okay, thank you.



WINDSOR ACADEMY

Mr. Marshall Rosenblum appeared before the board for this proposal.

MR. NUGENT: Request for 85 ft. side yard, 139 ft. 8 in. total side yard, 85 ft. rear yard and 4.18% developmental coverage to allow modular units on a permanent basis for classrooms at 271 Quassaick Avenue in an NC zone. Is there anyone in the audience that would like to speak on this subject? Let the record show there's 55 addressed envelopes sent out.

MR. ROSENBLUM: My name is Marshall Rosenblum, I'm representing Windsor Academy. We're here for variances to maintain the existing modular classrooms as permanent. We have insufficient side yard, total side yard, rear yard and need additional coverage for the allowable developmental area. It's noted that since this project had been established many years ago, the variance requirements have changed to a minimum lot area of 20 acres and the lot width of 300 feet. This site being deficient in both of those areas. The modular units were constructed initially with the view as temporary structures with the goal of increasing the height of the main building to four stories. The impracticability of making that a multi-story building and the view that these modulars could be maintained for an extended period of time, the reality of the multi-story building could be accomplished have created this problem. It is now again our intent to request that these modular classrooms which are fully functional and to the best of my knowledge and belief meet all the requirements of the New York State Building Code have been maintained. The building and the grounds, the play area are functional and have been improved with additional screening, fencing and walkways which I believe were supplementary to this plan with an additional document being submitted to the building department for the walkway areas.

MR. BABCOCK: Yes.

MR. ROSENBLUM: I'll leave it at that.

MR. TORLEY: Mike got by the problem of whether they are trailers? We solved the trailer question?

MR. BABCOCK: Yes, they are not trailers, they are modulars.

MR. NUGENT: And they do meet New York State Building Code?

MR. BABCOCK: Yes, they have C.O.'s on them.

MR. ROSENBLUM: From a planning standpoint, with the play area at the rear yard as a view these serve as buffers to the two adjoining properties as opposed to say a fence or some other structure, they serve a similar function to the properties that are contiguous.

MR. NUGENT: Any questions by the board?

MR. REIS: No, I'm comfortable with this now.

MR. NUGENT: At this time, I'd like to give the people in the audience a chance to come up and look at the drawing and if they have any questions to ask Mr. Rosenblum and then I'll open it up to the public for comment.

(Whereupon, an off-the-record discussion was held.)

MR. NUGENT: At this point, I'd like to open it up to the public, keep your comments brief and try not to be repetitious. Anybody?

MR. ANTYONY PENNISI: My name is Anthony Pennisi and I'd like to voice my disagreement on this. I object to this. And the reason why is I never knew that it was going to be this way. I thought they applied for a nursery school. I thought that that's what it was going to be, I never thought there was going to be this many kids here. Now, of course, to make a long story short, let me go by my notes, I'm not a speaker. I have some pictures here, can I show you that this is what I am viewing from my yard, okay, and now the noise, is general kids' noise, of course.

MR. TORLEY: Where do you live?

MR. PENNISI: I'm a bordering neighbor, I'm where the part of the trees are now, it's becoming wintertime and I'm getting disturbed by lights. I thought the hours of operation were going to be from 7 o'clock, this is what I was told at the beginning from 7 o'clock till 5 o'clock. They start dropping off at 5:30 in the morning and don't get done until 7:30, 8 o'clock at night. Now, you know, they go there and they leave at the end of the day but we're there 24 hours okay. I have no privacy. I object to the modulars because they were supposed to be there six months, then they had an extension put on for another six months and now it's a year and nothing has been started. Their play area is all mulch, I get a lot of dust. The dust is a problem, my mom's allergic, she has an allergy, okay and, you know, this bothers her and it affects our way of life. There are trees that were planted there and when they weren't taken care of, they started to die and they just left them there until somebody was doing some work, they were putting mulch in the play area and that is what the kids play on now, and when they put the mulch in there, that's when I don't know if it's the same company that put the trees down, they took the trees, they weren't replaced, it was empty like that until three days ago, and they put different kind of trees in there. Now, of course, I like these trees better, but they put these trees in there now. I thought that originally, okay, this is what was approved, but my thought was they were going all the way down to the road with the trees. Of course, I had Mike come up and he even went next door and talked to them for me and the approval was to stop where they did stop, so I was wrong on that, okay, but that's what I would like to see because I, as I walk out of my house, all I see is cars facing our property. I see cars going in and out all day long. I see buses going in and out all day long. I hear the noise all day long, you know, what are they saying to me if you don't like it move, you know.

MR. NUGENT: Okay.

MR. PENNISI: And the number of kids there, okay, like I said, in the beginning, I didn't know there was going to be this many. I don't know the total number of kids there, but I thought a nursery school was a nursery school, take care of little kids, this and that, and the two story building they have there and then they come in with the modulars and now it goes up to sixth grade and that's not a nursery school anymore, that's a school.

MR. NUGENT: Yes, it is.

MR. PENNISI: And, you know, why do they have to put a school by my property when you have got them all in New Windsor? You've got three big ones, you don't need another school and this is a private school, okay, so that's where they change the name from ABC Learning Center to Windsor Academy. And another question, is there supposed to be certain amount of play area per child? Are they supposed to allow, does the State do that, do they allow a certain amount of space for a child and are they supposed to be playing on mulch?

MR. NUGENT: I can't answer that, that's out of our realm, that would be, I think it would be governed by the State, right, play area?

MR. ROSENBLUM: For a public school, yes, private schools, no, there are no regulations. There's the Consumer Product Safety Commissioner for recommendations of playground safety.

MR. PENNISI: They could also be going around that area because they can say we'll limit the amount of kids in the grade area, we'll put this many so they can cover themselves there. But I would like to know if I am fighting a losing battle, if I am, I will just leave, you know, I'll leave now, you know, I have, this is my sister, she wants me to speak, you know, like she would, okay, I can't, I don't know how, I just want my voice known, my objections known.

MR. NUGENT: We heard you. We need to let other people talk.

MS. NANCY COHEN: Nancy Cohen. I currently do not reside in New Windsor, I live in St. James, New York. I did grow up in that house and I think the issues that are before us as a family group is that the privacy that was once part of what we had there is gone. In that house right now, you do not have access to your own back yard because there's constant activity with the kids next door, which I do certainly understand and I don't mean to not be a nice neighbor, but I think we need to voice this because this is a residence for the family. There's no real barrier between the two properties, the trees are there, they do not go down, there's constant traffic in and out on the Monday through Friday basis. And so I think the things that as we're looking at this whole issue of the permanency of those modulars, we do strongly voice an objection to having them stay there and I think that we showed you the photographs. I think that there's an issue regarding the play areas and the closeness of the side yard to our yard and basically, that's all I have to say at this point and I think it really needs to be re-looked at.

MR. NUGENT: Thank you.

MRS. COHEN: So I'm going to return the plan, unless Mr. McMahon--

MR. NUGENT: Anyone else like to speak?

MRS. JOAN MCMAHON: Joan McMahon, and I live on the property that adjoins the school to the rear and we have trees and whatnot. And we really are not concerned with the site so far, I am concerned, though, if they were to decide to build another two stores in the future, I think that would be a tremendous eyesore. But I'm concerned, small piece of property, and how you could have so many children in such a small space in the back, those modulars are very large, there's very little land area left, I wonder what has been done as far as fire safety, has this been looked at?

MR. NUGENT: Yes.

MRS. MCMAHON: And the answer is that it is safe?

MR. NUGENT: According to our fire inspectors in the Town of New Windsor, is that right?

MR. BABCOCK: Yes.

MRS. MCMAHON: How many children are in the school, do you know?

MR. NUGENT: No, I don't. Anybody answer that?

MS. RITA EPSTEIN: Rita Epstein, I'm one of the directors, we have 150 children enrolled in the school. At any one time, there are probably no more than about 100, 120 children present on the site cause all our children are not full time students.

MRS. MCMAHON: Well, I just think for a school of that size, the property is much too small.

MR. NUGENT: Anyone else?

MR. MCMAHON: I'm concerned as my wife as to the safety, originally, when we came to the meeting, it was to get our, give the board our impression initially, to the planning board for the modulars. If this matter is to be resolved, is this disregarding the opinion and the concerns and the feelings of the residents around the school, which is why we were sent letters to come here and speak? Okay, I didn't see anyone here that felt favorably about expanding it or putting the modulars, but it was agreed upon by the board six months and then it was agreed upon without our knowledge, without our knowledge another six months, we were not contacted about that, okay, we were not sent a notice. Now we're here because they are requesting that they be permanent and that's their right, well, if it all goes on their right, and it's a legal right, then why ask us to come in and give our opinion about it? Why? We're not, you know, it's not necessary to have us here if legally, they can do it. Why have us here, Jim?

MR. NUGENT: They are here because they are seeking a variance. You are here, they are seeking a variance,

they are going to vary the law or we're going to vary the law, maybe, they are here for a reason. You're here because the state says that they have to have a public hearing and everybody within 500 feet is invited, that's why you're here.

MR. MCMAHON: But we're here for a reason.

MR. NUGENT: We're here to hear your concerns.

MR. MCMAHON: Is the legal question the predominant decision that's made in this matter because we have already expressed our opinion. This is the second time.

MR. KRIEGER: The reason for the public hearing requirement is that the Zoning Board of Appeals hears the public before it decides. The public hearing is not a vote, it's not a question of how many people you can get to show up and raise their hands. The Zoning Board of Appeals, after having heard the public and its concerns may or may not agree with those concerns, but you're here to bring to their attention to something that, some facts that otherwise would not be brought to their attention necessarily if it were only the applicant. The Zoning Board of Appeals never knows when a public hearing is scheduled whether it's going to produce additional information that they should consider before it votes or whether it's not going to produce additional information. But the purpose of the public hearing is to give those people around the proposed development an opportunity to bring to the board's attention some things that the board should consider before it votes. you're just laying before them certain things, your concerns

MR. MCMAHON: Quality of life issues, but the legal issues are resolved, there's no legal barrier to what the school would like to do.

MR. KRIEGER: Well, actually, what the law says is what our law says is they cannot have a permanent structure located as close to the side yard as this is, as close to the rear yard and a total amount of structures covering as much of the property as they want to cover.

When a development is proposed which violates the provisions of the zoning law and I have given you the provisions that are here proposed to be violated, in order for that development to happen now, since they are not entitled as of right, they can't simply go to the building inspector, they have to get permission to have in this case have some of the buildings closer to the side yard, closer to the boundaries that would be allowed to have it cover a greater percentage of the available land than would be allowed, they have to get the permission of the Zoning Board of Appeals to do that, to do those things, actually a number of requests that are made here. They are not entitled as of right, they can't just say that's our right and we'll just apply for the building permit and that's what they have to do, what they propose, they have to be given special permission, that's what they're here for.

MRS. MCMAHON: What exactly would you be considering in order to change the law?

MR. KRIEGER: They are not changing the law, it's whether or not this particular application, the dictates of the law should be varied for this particular piece of property. Changing the law is something the Town Board does.

MRS. MCMAHON: Excuse me.

MR. KRIEGER: The reason I dwell on it is not because of what you said, but because it's a common misconception. The ZBA takes the properties and the applications one at a time, it does not set town wide policy, it does not establish a law for everybody. It just considers individual cases. Now, as far as the criteria that are concerned, the yard sticks that they have to use to measure this, there are five of them set forth in the state law, it's the state law which dictates what the ZBA must do and what criteria they must consider, it must consider. It's not, it isn't sort of a free form anything you want or any opinion, there are specific criteria. And as a matter of fact, I normally do this for applicants, but there is no particular reason why it has to be only applicants, I have set forth these criteria, extracted them from the



law and set them forth on a sheet which I normally provide to applicants, but that's the law and those are the five criteria on which the Zoning Board of Appeals must decide on which it must base its decision, decisions in this case.

MR. MCMAHON: May I ask the present structure is not conducive to building two more stories, is that correct?

MR. ROSENBLUM: It would be extremely impractical and difficult.

MR. MCMAHON: But it can be built upon two more stories, you know, if they wanted to?

MR. ROSENBLUM: Not within my ability.

MR. MCMAHON: It has to be considered, if somebody wanted to go in there and build two more stories, not you, but somebody else.

MR. ROSENBLUM: It's not within a normal, the super structure of two residential units that have been combined to create that building with their normal residential I'll call the trench or formed footing, do not present a suitable load capacity to build on that framework four stories. It's also to my knowledge and belief not permitted within any code that I know of to build four stories out of a wood frame construction, it would necessarily be concrete or steel and predominantly non-combustible with non-combustible fire exits for the protection of the students, inhabitants.

MR. KRIEGER: In other words, could it happen, yes, it could happen. Would it be exorbitantly expensive, yes, it would be, nobody in their right mind would do it.

MR. MCMAHON: The other thing is occasionally, a child finds his way on my property, so that's another consideration to think about occasionally, nothing wrong with it, you know, playground, whatever, but it's a note but the appeal board now does not state, it does not state its feelings one way or another tonight?

MR. NUGENT: It may, it doesn't have to but it may.

MR. KRIEGER: So that I understand as far as the process is concerned. For your own guidance, what the law dictates is even if they should receive their requested variances, before they can do it, they have to have a site plan approval.

MR. MCMAHON: So if the appeals board, if you gentlemen say yes, it's okay, then they go before the planning board, is that correct?

MR. KRIEGER: Yes.

MR. MCMAHON: And the planning board has to give their okay?

MR. KRIEGER: Yes, but they, but understand the planning board, there are different questions and different criteria.

MR. MCMAHON: The initial visit to the planning board was very positive towards the school, I don't think they have changed since then, but the, do you have an opinion this evening that we can know about?

MR. KRIEGER: The zoning board?

MR. MCMAHON: Is there an appeal to your decision, in other words, if you decide it's okay to go ahead in spite of our feelings about it and we say well, we totally disagree with you, do we have any recourse?

MR. KRIEGER: There are, you have asked a number of questions. The procedures for appealing a decision of the Zoning Board of Appeals are legal in nature and my job as an attorney and I am an attorney is to advise the board. I can't tell you, you know, what the procedures are and what the advisability is.

MR. MCMAHON: We'd have to go outside the town to do that?

MR. KRIEGER: You have to get your own attorney, not outside of town, but outside of the room.

MR. MCMAHON: Your decision is final unless we decide to go get an attorney?

MR. KRIEGER: There are procedures under certain circumstances.

MR. MCMAHON: For us in the town process to appeal your decision, there's no way, that's all I want to know, we'd have to go to an attorney to do that?

MR. KRIEGER: Well, you certainly have to go there to be advised, I mean, now you're extending yourself to questions which I cannot properly answer.

MR. MCMAHON: Is there a procedure?

MR. KRIEGER: Yes, there is a procedure.

MR. MCMAHON: Within the town guidelines for a resident to challenge your decision?

MR. KRIEGER: I don't know what necessarily what within the town guidelines means.

MR. MCMAHON: Here I come as a resident, just let me finish, I'm coming as a resident expressing my opinion, the reason I'm here is you sent me a letter, you wanted to know, you wanted feedback from the people that live around the school and I'm giving you my opinion, my wife's giving you, Mr. Pennisi, his mother and sister and if you gentlemen decide everything's okay, that they can receive the variance, before it goes to the planning board, as a resident of this town is a resident able to challenge that decision by you folks, is there a procedure?

MR. KRIEGER: Yes, there is, we're going around in circles, yes, there is a procedure. No, it's not necessarily similar to this and to go beyond that to tell you about what procedures are available and what's advisable, I would be in the position of counseling you which I cannot do.

MR. MCMAHON: So, basically, we cannot go before the

board again before the appeal before now?

MR. KRIEGER: Regardless of what this board decides, this will not appear in front of this board again, whether it will appear in another tribunal or not, I don't know, but it won't appear in this tribunal again.

MR. MCMAHON: Is there any, gentlemen, would you like to express your opinion about this particular issue?

MR. TORLEY: We haven't finished.

MR. NUGENT: We're not finished, I'm waiting for you to finish so we can close the public hearing and open it up back to the board.

MR. MCMAHON: I really appreciate your giving me a chance to speak.

MR. PENNISI: Can I just ask one more question? Can I ask you a question, the variance that you're asking for in the play area, did you already finish the play area?

MR. ROSENBLUM: All we're asking for is relief for the condition to maintain the buildings in operation on a permanent basis. All planning issues, fencing, screening, lighting, anything to that nature is addressed at a planning board meeting. Those are features that can address any site security issues and any site lighting, any other conditions, traffic or extensions, I can't speak for this board, but by my experience with boards often even if the variance is granted, it's granted with recommendations or restraints or conditions.

MR. PENNISI: Thank you.

MS. JEAN POLIANO: We have been sitting here patiently trying to understand--Jean Poliano, Windsor Academy--and we have been trying to do the right thing. We're obviously in the service business, we deal with parents, with children, we want to be as neighborly as possible, we're part of the community, we want to be part of the community and that has never been a problem for us. We're willing to work out a situation with the

neighbors, if we possibly can. But I just want to remind our neighbors that it's a commercial area to begin with, number one. Number two, the school, I don't know the exact history, but has been a school the building itself has been a school for the past 20 years, I'm sure, the only things that seem to be a problem at this point is the modulares which are in the back, the modulares in the back maybe 30 to 35 additional children and that's all we're talking about. Mr. Pennisi, you mentioned about 5:30, we do not open at 5:30 in the morning, we open at 6:45. I don't know where he got his information, we don't close until 6, nobody had, I mean, from a school had mentioned to him that we do close at 5, so our hours of operation are 6:45 in the morning till 6 p.m. and we do accommodate the working parents of a community in order to have extended hours so they don't have a problem with what to do with their children at a certain time when other nursery schools close.

MS. EPSTEIN: Rita Epstein, just one other piece, kind of historically about a year ago, in an effort to make our site as comfortable as possible for our neighbors, when Tony and his mother did request shrubbery at that point, we immediately acquiesced and it is read into the minutes that we will do and we will continue to make the statement, absolutely anything that we need to do to make sure we're as community friendly as possible, that shrubbery is there not because it was legally required, but requested by our neighbors. The reason last year we talked about making a four story building is because we had the wrong information and as you notice, we have a different person now representing us, it was improper information. This is not even a feasible situation. I do want to assure you of that.

MR. PENNISI: But the one thing that I ask about--

MR. NUGENT: I don't want this cross, we can't have that, one at a time.

MRS. COHEN: I'd like to address the modulares and with the issue of identifying that it brings in maybe another additional 30 or 35 children when you look at that, that's quite an increase in the occupancy on that

property and certainly it does cut down on the play area that was available to the children in the past by keeping those modulars there.

MR. NUGENT: Talk to the chair, everybody talks through the chair.

MRS. POLIANO: Yes, we're talking about that, but all the children are not on the playground at the same time, if you're talking about the two modulars opposite, well, what side would that be?

MS. EPSTEIN: Well, depends.

MRS. POLIANO: On the opposite side of Mr. Pennisi, we have infants, now infants, I mean, how often we get them out, they are in strollers and they have nothing to do with the big playground for the older children, so you're talking about infants and toddlers which depending on the whether, they are hardly out. If it's a nice day, we'll take them on the swing for 10, 15 minutes, so I don't consider that an issue, so that's like maybe 20 children they don't even see because they are on the other side. And as I said, they are not all on the playground at the same time. They do have time schedules, recess schedules, we didn't feel that that was safe to have all the children on the playground at the same time, so we do take that into consideration. So then you're down to the one modular with 20 children, that's really what we're talk about here, an additional 20 children. As far as the headlights, Mr. Chairman, the headlights, I mean there's nothing that we possibly can do about it now that, you know, the times have changed, it's darker earlier, parents are considerate enough to stop, turn the lights off, pick up their child and leave but to me, especially on 94 and Quassaick, you've got constant traffic, constant lights going all day, all night, why just the lights coming into our building is a problem, I don't understand. But that's a situation where we can't do much about.

MR. PENNISI: It's the way that it's where they come to pick them up, they come by the front door and they shine into our kitchen. Our kitchen's in the front.

Last year, Mike told me that in order to alleviate that problem, they offered me a shade.

MRS. COHEN: Just one other thing with the addition of the 30 or 35 kids in the back that's additional vehicular traffic that's in and out of that area on a daily basis. And the other thing too looking at this, it's the traffic that this brings in also as we continue this discussion and it has increased tremendously and I do recognize that this is a commercial area, there's a store across the street and between the cars going in there and the cars across the street, there's a lot that's happening at that point and other than that, I have nothing else to say. I think we have to look at the traffic.

MR. NUGENT: Let me just give all of you a little idea of what could go in there legally, eating and drinking places, including professional business, executive, administrative medical and veterinarian officers, service establishments furnishing consumer services, but excluding gas stations can all go in there legally. All right, so you know.

MR. MCMAHON: What I brought up at the planning board meeting, was the value of property and I would think that the same thing would apply to all of these other businesses that would be, that are approvable under your statement about gas, the garage, gas station.

MR. NUGENT: No, that's not allowed.

MR. TORLEY: Dry cleaner.

MR. NUGENT: Veterinarian.

MR. MCMAHON: Restaurant, veterinarian, whatever, but before it would, it would have to go before the planning board and the people that live around it would have to be involved in the decision of the board. Because you're bringing up an issue to me again that I must reply to, it's one of the, you know, if it's a question as far as legality of the concern, why get our input. And I understand the people are trying to be accommodating but, you know, consider the impact on the

value of the real estate around the school and what it means to us as well as quality of life issues. They are building a business and that's how they are living and that's fine for them we have to consider things also.

MRS. COHEN: We're a business, a small business, but we also are providing a service for the community, there are not that many schools, not that many daycare centers in New Windsor that I know of, I mean, maybe two others, so I mean we have to consider the residents, most of them are New Windsor residents that do bring children to our school. So you have both sides of the fence here, you know, if anything happened financially, if we found it would be a burden, I wouldn't know what to do, I think the parents would be concerned too at that point.

MR. PENNISI: And in replying to your statement, we never objected to a nursery school or anything, we never objected to that. Matter of fact, I went along with what they were doing, but we never expected them to be this big, okay, and it puts not only a burden on us, but on everybody else around there. Now we have neighbors that are not direct neighbors, so they don't care as much as we do, their quality of life isn't affected as much as ours is and that's why we're voicing our opinion. Speaking of the traffic, now, you have a lot of traffic down there too, but of course now we have all the movies down here so that too puts additional traffic on there. So, you know, just keep that in mind, they closed the movies in Newburgh now they are all coming into New Windsor so that puts a lot of traffic down there too.

MR. NUGENT: Okay, is there anyone else that would like to speak? The board has, we're going to adjourn the public hearing at this point. The board feels that there's so much evidence that they would like to have the rest of the members here before they take a formal vote so we're just going to adjourn the public hearing until the next meeting. We have to give a date?

MR. KRIEGER: Yes.



MR. PENNISI: Are we going to be notified?

MR. BABCOCK: He's going to tell you the date right now. Should be November 8, Mr. Chairman.

MR. NUGENT: November 8.

MR. TORLEY: I'd like to get one question out just for their records, was there a previous variance for the area on this entire lot?

MR. BABCOCK: No.

MR. TORLEY: Cause are we, this is being considered as a private school?

MR. BABCOCK: Yes.

MR. TORLEY: Because the bulk table says 20 acres.

MR. ROSENBLUM: This existed prior.

MR. KRIEGER: Pre-existing non-conforming.

MR. BABCOCK: We felt that the area was pre-existing non-conforming because it was a daycare center before this.

MR. TORLEY: As long as you have that grandfathered in.

MR. BABCOCK: Also, the lot width and at the time that this went in, the lot width wasn't 300 feet and it wasn't 20 acres, so the zoning has changed since they have been in business or the building's been used as that type of business.

MR. NUGENT: Okay, well, I guess that's as far as we can go tonight, right?

MR. TORLEY: Make a motion we adjourn the public hearing until November 8 meeting.

MR. REIS: Second it.

ROLL CALL

October 25, 1999

35

MR. TORLEY	AYE.
MR. REIS	AYE
MR. NUGENT	AYE

B.D.

ZONING BOARD OF APPEALS  
SUMMER SESSION  
August 9, 1999

REVISED AGENDA:

7:30 P.M. - ROLL CALL

Motion to adopt minutes of the 6/28/99 and 7/12/99 minutes as written.

PRELIMINARY MEETING:

- NO  
SHOW
- SET UP  
FOR P/H
- SET UP  
FOR P/H
1. FOX, KATHLEEN - Request for 10 ft. rear yard variance for proposed deck at 14 Spring Rock Road in an R-4 zone. (43-1-64).
  2. RINALDI, JAMES - Request for variation of Section 48-14A(4) of the Suppl. Yard Regs to allow existing shed at 531 Beattie Road, Rock Tavern in an R-1 zone. (51-1-83.11).
  3. WINDSOR ACADEMY - Referred by Planning Board for use variance or interpretation, plus 85 ft. side yard, 139 ft. 8 in. total side yard, 85 ft. rear yard and 4.18% developmental coverage to allow modular trailers to be used on permanent basis for classrooms on e/s Quassaick Avenue in an NC zone. (40-3-37). Present: Marshall Rosenblum.

PUBLIC HEARING:

- APPROVED
- APPROVED
- APPROVED
- APPROVED
4. WOLF, ZEV - Request for 8 ft. maximum height variance and a variation of Section 48-14A(1)(4) of the Supplemental Yard Regulations for construction of a detached garage which will project closer to the road than principal residence at 1861 Little Britain Road in an R-1 zone. (51-1-64).
  5. KADIAN, LINDA & DENNIS - Request for 11 ft. 6 in. side yard variance for existing deck at 36 Lawrence Avenue in an R-4 zone. (13-12-3).
  6. BARBERA, BRIAN - Request for 32 sq. ft. double-faced, freestanding sign at Superior Auto Sales located at 997 Little Britain Road in an NC zone. (34-2-1).
  7. YANNONE, DONNA - Request for 7 ft. side and 7 ft. rear yard variance to construct a playhouse at 16 Fernandez Avenue in an R-4 zone. 20-2-18
  8. VILLA, CLEMENT - Request for 14 ft rear yard variance for existing addition and 7 ft. side yard variance for existing shed at 17 Haight Drive in an R-4 zone. (70-1-23).

FORMAL DECISIONS: (1) BILA FAMILY PARTNERSHIP; (2) HANDEL;  
(3) HUSTED; (4) PAVLIK; (5) LIBRIZZI; (6) JMR

PAT - 563-4630 (o)  
562-7107 (h)

APPROVED

# 120A 8-9-99  
SET UP FOR P/H

OFFICE OF THE PLANNING BOARD - TOWN  
ORANGE COUNTY, NY

OF NEW WINDSOR  
#2 ZBA 10-25-99  
TABLE TO 11-8-99

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 99-17

DATE: 4 AUG '99

APPLICANT: WINDSOR ACADEMY  
% MARSHALL ROSENBLUM  
3211 ROUTE 9W

NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED JUNE 16, 1999

FOR (~~SUBDIVISION~~ - SITE PLAN) \_\_\_\_\_

LOCATED AT EAST SIDE QUASSAICK AVE.

ZONE NC

DESCRIPTION OF EXISTING SITE: SEC: 40 BLOCK: 3 LOT: 37

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- ① USE VARIANCE FOR MODULAR TRAILERS ON PERMANENT BASIS
- ② AREA VARIANCES FOR SIDE YARD, TOTAL SIDE YARD AND REAR YARD SETBACK.

MARY J. EDGALL P.E.

MICHAEL BABCOCK,  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>NC</u> USE <u>B-6</u>		
MIN. LOT AREA <u>20 ACRES</u>	<u>1.1478 AC *</u>	<u>—</u>
MIN. LOT WIDTH <u>300 FT</u>	<u>200 FT *</u>	<u>—</u>
REQ'D FRONT YD <u>100 FT</u>	<u>103.69 FT</u>	<u>—</u>
REQ'D SIDE YD. <u>100 FT</u>	<u>15 FT</u>	<u>85 FT</u>
REQ'D TOTAL SIDE YD. <u>200 FT</u>	<u>60'-4" FT</u>	<u>139'-8"</u>
REQ'D REAR YD. <u>100 FT</u>	<u>15 FT</u>	<u>85 FT</u>
REQ'D FRONTAGE <u>100 FT</u>	<u>200 FT</u>	<u>—</u>
MAX. BLDG. HT. <u>50 FT</u>	<u>24 FT</u>	<u>—</u>
FLOOR AREA RATIO <u>N/A</u>	<u>—</u>	<u>—</u>
MIN. LIVABLE AREA <u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE <u>20 %</u>	<u>24.18 %</u>	<u>+4.18 %</u>
O/S PARKING SPACES <u>21</u>	<u>21</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

POSSIBLE Z.B.A. REFERRALS

WINDSOR ACADEMY SITE PLAN & SPECIAL PERMIT (99-17)

Mr. Marshall Rosenblum appeared before the board for this proposal.

MR. PETRO: Temporary classrooms made permanent, they appeared before us prior to this, I believe they need a variance for side yard or front yard or rear yard.

MR. ROSENBLUM: There are a number of conditions of relief, primarily for bulk table requirements, for gross area and side yard that's perceived, but I think we'll leave the specific requirements to the zoning board's interpretation at the time. What I have for the board is a series of current photographs taken another day that will demonstrate the condition of the building, the modular classrooms, I use the word modular, New York State does not recognize temporary structures, these are, as I have said before, permanent. We're here for the referral.

MR. PETRO: Once again, for the edification of the board, I just want to go over the new construction that was proposed at one time for the main building, the second or third floor, I don't know how many floors it was, that's completely out of the question, it's not going to happen under your impression? It could never have happened in the first place as far as construction end of it?

MR. ROSENBLUM: In my professional opinion, the amount and extent of work required to make that building conform to the building types and provide for exiting, to meet the requirements of the New York State Building Code life safety code and State Educational Department requirements both for ceiling height exiting and pupil safety would be extraordinary and would exceed the feasibility of the use for the building within a financial--

MR. PETRO: And the owners were probably not always aware, they were misled a little bit.

MR. ROSENBLUM: I was not present during that time. The extent or the cost and the time involved to do the work within that footprint again is something that I just don't understand how that, you know, could be proposed, reasonably, the building was originally constructed of two houses that were joined internally. That footprint is visible when you walk into the space. A multi-story building by State Educational Code requires 9 foot ceiling height, multiple exits both from each floor. If that were defined as a Type 4 building by the bulk tables by New York State Code, the exterior walls must have a two hour fire rating which provides for limitations for open areas. There must be a secondary means of egress from each area. It literally would be a ground up reconstruction from foundations up. I wouldn't know how to do it and I'm not aware of the criteria that was used prior, for that evaluation, I don't know.

MR. LANDER: Well, Marshall, this first came in, they wanted to have three stories and I would hate to think that that was, they were misled by whoever they contracted with and we get these modulars in here, these temporary classrooms now they are going to be permanent. I don't know how much trouble you're going to have at zoning.

MR. ROSENBLUM: I don't know what the perception of the zoning board will be but in good faith, we make the application, looking at the site once the photographs get to you, looking at the buildings, looking at the landscaping that exists and has been placed around them were isolated at the rear of the building towards commercial parking lots, rear parking lots and I see the impact from a common sense standpoint as minimal.

MR. LANDER: Marshall, can remember the public hearing that we had here and the people were assured that these were only temporary classrooms.

MR. ROSENBLUM: I read the transcripts and understand them.

MR. LANDER: They didn't have too much of a problem with that, they didn't even like that idea as far as

three or four stories, they were totally against that, but it wasn't in our jurisdiction to tell you that you can't build it. You had to get passed the building inspector and New York State code.

MR. ROSENBLUM: There are also two of the modular classroom units as opposed to the three that were originally proposed.

MR. PETRO: Gentlemen, I have been down there a number of times, as I said before, I'll say it again for the minutes, that my son has attended the school, so I have been on the site, while I have no connection with the applicant, but matter of fact, I have been there as early as last Monday or Tuesday, Monday, I believe and the site has been really protected well. There's been a lot of landscaping put in, lot of time and money have been spent to make this look very nice. Frankly, I can't even see, other than the one house that's to the north of the property, you can't even see other homes, unless you really look through the woods, you've got to really look around, see what's there, the buildings themselves, I know they don't use the word temporary classrooms, I guess they are modular units, I guess they are temporary.

MR. ROSENBLUM: Modular units are used for many years by school districts until either permanent construction or school populations change, they meet all the safety requirements.

MR. PETRO: I have been in and through the units and they are excellent and well built, believe me, and the layout in the front, everything is really done well. So, actually, I was impressed with it.

MR. LANDER: I don't think that's the problem, Mr. Chairman. I think the problem is the people were told that they were going to be temporary, they can go back, they can make their application and do whatever they have to do, but they still have to go for a public hearing.

MR. PETRO: They are only here now, we're going to send them to the zoning board.



MR. LANDER: I want to make them aware that's what the people were told.

MR. PETRO: Some of the conditions now are a little different than when they were proposing it because now they are done and people can see they can see the hundred shrubs they planted, but that's not for me to say. When you go to the public hearing, people are going to show up and go one way or the other and you'll know where you stand.

MR. ROSENBLUM: I referred to this as a mercy application, this is where we are now, it's what we have to do.

MR. PETRO: Send them to the zoning board, they'll have their say there.

MR. LANDER: I'm just telling you you're going to find opposition, I'm sure.

MR. PETRO: I do want to bring to the attention that we have the fire review came back as disapproved and there's three items here which you can take a copy and go over if you have not seen it.

MR. ROSENBLUM: That I have a copy of and I resubmitted.

MS. MASON: This is a new one.

MR. LANDER: What are the three?

MR. PETRO: Insufficient open space for staging of children during building evacuation and out of the way for emergency services access to the property. Number 2 is site plan does not reflect current conditions, what that exactly means, I'm not sure. We have to check with Bob Rogers on that or John McDonald and number 3, insufficient fire department access to rear classroom.

MR. ROSENBLUM: What's the date of that review? Cause I believe I have the final one.

MR. ROSENBLUM: I believe I have a sign-off.

MR. PETRO: Date plan received 6/17/99 and you received it back this afternoon, 3:30 this afternoon. I'd like to contact John McDonald and try to find out exactly what he wants done to remedy these situations and I think we'll still send you to the zoning board because they are going to really make your decision as to whether or not you're going to receive your coverage you're looking for on the lot. I just don't want to spend a lot of time at the planning board process if you are unsuccessful at zoning.

MR. ROSENBLUM: This is what I got from Rogers' office.

MR. PETRO: April 8. Does anybody want to see the pictures? Has everyone seen these? Okay, then, why don't we get them off to zoning board and if he's successful in getting his variances, we can go from there. I think that that would clear up a little bit more of Ron's concerns with the public hearing because you're going to have a public hearing at the zoning board and we can certainly get some of the content of that. If we find if you get a lot of them show up and it's a big deal we'll have another public hearing and make up our own mind so if you are willing to do all that, well, I need a motion to approve it.

MR. ARGENIO: Make that motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded for final approval.

ROLL CALL

MR. ARGENIO	NO
MR. STENT	NO
MR. LANDER	NO
MR. LUCAS	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the

June 23, 1989

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New Windsor Zoning Board for your necessary variances. Once you have been successful in receiving those and once you reappear before this board, we'll set you up on the next agenda, if you wish to appear before this board, we'll set you up for the next agenda. Thank you.

WINDSOR ACADEMY

MR. NUGENT: Referred by Planning board for use variance or interpretation, plus 85 ft. side yard, 139 ft. 8 in. total side yard, 85 ft. rear yard and 4.18% developmental coverage to allow modular trailers to be used on permanent basis for classrooms on east side Quassaick Avenue in an NC zone.

Mr. Marshall Rosenblum appeared before the board for this proposal.

MR. ROSENBLUM: Good evening, my name is Marshall Rosenblum, I'm here representing Windsor Academy. What we're here at the zoning board for is to make the two modular classroom units permanent as part of the permanent site plan approval. This is one of the most difficult applications, one of the most difficult representations I have ever had to make and I will explain. The original application which was not by me, I have only been involved at this phase of it was for three modular classroom units to be used as a temporary six months and by reading through the minutes, extendible provision for the construction or reconstruction of the existing Windsor Academy formally ABC Learning Center building which they have owned since '97, actually '96 a corporation took over in '97 for a four story building. During this process, an application for evaluation was made by Bobby Rogers and subsequently included in the minutes in the July, '98 notice indicating significant concerns of being able to construct this within New York State Building Code without I will call it extraordinary measures or substantial variances. Perhaps, Mr. Babcock, if needed, could clarify those issues. Somehow, these conditions were not translated to the owners, they didn't understand what would be involved. This is a Type, as an architect, Type 5 building, wood frame building, to construct a multi-story building, these were, this building which was originally two houses in the early to mid '70's were connected with a hallway in between them and the bottom dug out to increase the ceiling height. They have residential footings, residential construction, and is not appropriate from the footings up for a multi-story building, enclosed

entranceways, fire resistive construction or loading, very difficult building. If the variances were granted, it would be a miracle, it's very difficult to grant a variance for a condition you're creating for yourself that doesn't exist at the current time, there's no rationale. The modular classroom units, two of which had been placed are permanent by any standard, they are on foundations, they are A. G.E. modular classrooms and they are good units. They have spent over \$100,000 in permanent walkways supplemented by another drawing which I believe is in the file, but I don't have a copy of at this time, I don't believe, I don't know if it's in your file and they have attempted to keep the property in good condition and continually improve the use. In addition, the neighbors are, I will say pleased with the way they have been running the property, the former objection of Mr. Ponesse by verbal discussion, he was concerned about the noise, if they put up a stockade fence anywhere within the property, he would be happy. And so that would be indicated on our application. It's a pre-existing school, been a school for a number of years, the current zoning of course is for a 20 acre site with setbacks. The buildings were intended as temporary, but extendible and for all intents and purposes, they'd like to keep them, there are two classrooms in each of the modular units and you're welcome to visit the site. If I can answer any questions?

MR. NUGENT: You're not adding anymore? They want to get the two that are there?

MR. ROSENBLUM: That's it, any of the properties adjacent that would become available that would open up additional play area and increase access for the fire department.

MR. TORLEY: I noted from the minutes from the planning board I received there was some discussion as to whether or not the appropriate area for staging and evacuation of children?

MR. ROSENBLUM: What that was was a review by the department of the oldest site plan which was in effect existing condition that had already been accepted by

the building department, fire department, as it existed, in other words, somebody reviewed the plan and made the comment that they felt it should be additional evacuation staging area. To continue, this is Phase 1 of a site plan and has not been made permanent, the permanent site plan would have been for the multi-story building, therefore, upon acceptance of or upon any kind of relief for the conditions of the zoning and application for a permanent site plan would be made. This has been of course forwarded already to the planning board and appropriately rejected and referred here.

MR. NUGENT: One of the things that's brought up on the meeting schedule here says 4.18 developmental coverage, why was that brought up? You can have 20 percent on that lot. Is this considered a private school?

MR. BABCOCK: Yes.

MR. ROSENBLUM: I believe it was brought up in Mark Edsall's notes of 8 July, 1998 where he said with regard to the permanent site plan, the appropriate step would be to seek a site developmental coverage variance and on that basis--

MR. BABCOCK: Well, we're using the NC zone to make these determinations and you're allowed a 20 percent developmental coverage.

MR. NUGENT: On 20 acres.

MR. BABCOCK: Well, no, you're allowed, well, yeah, if you had 20 acres, the way I look at that is that you're allowed 20 percent of whatever you have now, maybe that's not the case, but that's up to this board to determine.

MR. REIS: That's your interpretation?

MR. BABCOCK: Right.

MR. KRIEGER: Developmental coverage and the number of acres is two separate questions.

MR. BABCOCK: Absolutely.

MR. KRIEGER: Twenty percent of what you have, but as a separate matter, you're supposed to have 20 acres, they are not tied.

MR. BABCOCK: You don't get your developmental coverage.

MR. KRIEGER: It's not one acre.

MR. BABCOCK: It's not what the zone's requirement is, it's the size of your lot.

MR. NUGENT: What's the size of the lot total?

MR. ROSENBLUM: It's 1.15.

MR. TORLEY: Shouldn't there be an area, a lot area variance request as well or they already had one granted?

MR. ROSENBLUM: It's grandfathered.

MR. NUGENT: It's in the correct zone.

MR. TORLEY: Yeah, but the zone says private school, that's supposed to be 20 acres.

MR. BABCOCK: Well, yeah, this private school has been there since.

MS. BARNHART: They got a variance previously.

MR. BABCOCK: We have known it has been there, what we're looking at in my opinion today is that since he's adding to this, what's the addition of the units and so on and so forth, to the property, the use has always been there.

MR. TORLEY: How long has it been a private school?

MR. ROSENBLUM: Long time.

MS. BARNHART: If you want, I can bring out the old

paperwork.

MR. TORLEY: No problem, just want to make sure that you don't have to do it again.

MR. ROSENBLUM: I think it's always been a private school since the '70's.

MR. TORLEY: It would just be another line in the variance request.

MR. ROSENBLUM: I would note that this has been in operation with two modular units about a year, ten months.

MR. BABCOCK: Right. You know, whatever, I'm sure I have no objection, whatever the board feels this is not the normal situation.

MR. NUGENT: By far.

MR. TORLEY: I want to make sure we have it all covered so you won't be snake bitten later on.

MR. ROSENBLUM: Landscaping as shown has been placed and maintained.

MR. NUGENT: Well, they certainly improved the site, it was an eyesore before they took it over.

MR. KANE: What's the use of the interpretation?

MR. KRIEGER: Use variance I understand, but what's to be interpreted?

MR. NUGENT: It's an NC zone.

MR. TORLEY: Why does he need a use variance?

MR. NUGENT: That's allowed NC zone.

MR. KANE: Right.

MR. BABCOCK: No, if you read the bulk tables, what the bulk tables say is under special permit of the planning



board, they are allowed these trailers on a temporary six month basis, so for them to keep them, and again, it's not the normal thing that happens every day for them to keep the trailers there forever, we're saying they need a use variance cause they don't meet the code.

MR. ROSENBLUM: They are not really trailers, they are fully constructed buildings on foundations, brought in as modular units.

MR. BABCOCK: I may be using the wrong word.

MR. KRIEGER: That may be the subject for interpretation, are we dealing with trailers or with buildings, in which case, let's suppose for argument's sake that they are buildings, do they need another kind of variance for more than one building on a lot?

MR. KANE: They need a lot.

MR. BABCOCK: No, you could do that, you can have multiple buildings on one site, that's not a problem, as long as you meet the setbacks, you know what, I think what we understood is they came in as temporary mobile units, okay, although they were put on permanent foundations, they didn't have to be, and they were brought in under the section of the code for temporary six months basis. So we continued that in our minds saying that now if you want to make these permanent structures or consider them as permanent structures, that's what you need.

MR. KRIEGER: So that's the interpretation part?

MR. BABCOCK: I guess.

MR. TORLEY: Is there a definition in our code?

MR. BABCOCK: No, I think what it is Andy is that we're saying that it's a use variance or interpretation, so you may interpret that they don't need that use variance because these are buildings or whatever you might decide.

MR. KRIEGER: If they say they are buildings, you don't need a use variance. If they say they are trailers, then it does need a use variance. That's the interpretation question for us and then you have--and that's either or, then you have the other package of area variances.

MR. REIS: Right, these folks that owned the property, their original intent was to expand the original building to make it a second full second story and because of its structural deficiencies, they can't do that, it's economically impossible.

MR. BABCOCK: Building code wise, it's not possible, we believe from the building department that they cannot do that. They had a representative that believed that at the beginning that it was possible and all along, we have told them from the building department and fire inspector's office that we don't believe it's possible and there's an avenue you can go to the state and get a variance but this is so far from the code and we're not dealing, we're dealing with little kids that are in a building, God forbid if there's a problem in that building, we need to get them out and we don't think that it's possible.

MR. TORLEY: Four story wooden structure.

MR. BABCOCK: That's what we're saying.

MR. ROSENBLUM: The other is that a four story building in this area would be in a departure to the proportion of the buildings around it, especially the residences and from an architectural planning standpoint would seem grossly inappropriate. This sits well on the site, if you have seen the photographs, they seem to function as buffers and they work well.

MR. REIS: Has there been any communication from the surrounding homeowners on the building?

MR. BABCOCK: I think throughout the process, they showed interest, but quite honestly, we had the one gentleman that he talked about he had requested some additional shrubbery which they put in. Now I

understand he's requesting some fencing that they are willing to put in.

MR. ROSENBLUM: We offered, cause his only complaint was some ambient noise where children are playing during the day.

MR. BABCOCK: Other than that, I don't, but I know that at the public hearings that we had the people in the neighborhood, we're told that they were temporary trailers until they got the construction done. So they may have a different point or they may not have a problem at all. They definitely know more about the operation than they did before the units went in, that's for sure.

MR. TORLEY: Mike, I don't know the code as well as you did, obviously, is there a definition for trailer in the code?

MR. KANE: Under be number 6 trailers for business office?

MR. TORLEY: No, no, defining what a trailer is.

MR. BABCOCK: Typically, what a trailer is is if the frame and wheels stay there. A modular is when the frame and wheels leave.

MR. ROSENBLUM: Never had wheels.

MR. TORLEY: So these really are what?

MR. BABCOCK: These are called modular units, I made a mistake when I said, you know, I used the wrong word, they are a modular units.

MR. KANE: So the interpretation will come down that they are modular units and we're looking at them as existing buildings and not as a trailer which because forget a use, there's no way.

MR. TORLEY: I wanted to check with Mike about what the code said, and if they are not meeting that, they are just modular buildings brought in as a unit and put on

the foundation, to me, they are a building that's saying that now waiting for the public hearing and the full information.

MR. BABCOCK: This is not the normal thing, if you look down the one column, column A, you get uses permitted by right. When you go down to column B, doesn't say use permitted by right, it says by special permit, then it goes on to tell you that these units can be there for six months, that's it.

MR. KANE: If they are considered a trailer.

MR. BABCOCK: No, no, well but there's no place in column A for, you know what I mean, that's the problem, so once you put them in the classification, the classification doesn't go along with it 100 percent, that's where the problem comes in.

MR. REIS: The existing site the way it is right now is the way they'd like to continue their operations?

MR. ROSENBLUM: With the addition of a stockade fence to secure additional sound control to the neighbors, Mr. Ponesse.

MR. REIS: Everything else would remain the same?

MR. ROSENBLUM: They did complete the paving in the front, it's about I'd say this whole area has been done, they have been doing it in phases as dollars permit, but they have been putting the money back into the play area over here and into the landscaping over on the side so there'd be some additional paving done in front.

MR. REIS: Does this impact the parking?

MR. BABCOCK: Yeah, it went in for site plan review of the whole thing with the additions and these modular units, they did Phase 1 and Phase 2, Phase 1 was to get the temporary units in, Phase 2 was to put the addition on the building and redo the parking lot based on that, they are not going to need, they may need all the parking lot, I don't know, but they shouldn't need all

the parking lot because they are not going to build a four story building.

MR. ROSENBLUM: Parking functions for staff and parents coming in to pick up young children, like I said, but functioning well without incident or difficulty for almost a year now, the school buses pull in to this area, let the children off on the side facing the school and pull out. Other buses use it as a turnaround, seems to function well.

MR. KANE: I just want to be clear on how we're going to attack this under private schools, colleges, et cetera, that's with the Planning Board's permission, also, the trailers are under B with the six month thing. If we interpret that the trailers are not trailers, but buildings themselves, that's the interpretation we either give or not give at the public hearing, so that's how we attack that phase. If they are considered regular buildings, what type of variances are we going to need for the buildings?

MR. NUGENT: Setbacks.

MR. KANE: What about developmental coverage?

MR. BABCOCK: That's part of it.

MR. NUGENT: One triggers the other.

MR. KANE: So then it's the setbacks that we need so he knows in the public hearing what he has to present?

MR. TORLEY: And further possibilities, one, whether there's a variance grandfathered for the lot size overall which is not 20 acres and two, be prepared to talk about whether or not you need a parking variance, the new code shows for schools you need one per 12 seats for students.

MR. BABCOCK: Again, that's where the problem comes in, I think you need to go first step find out where, what line item are we putting him in cause if you take it out of the temporary use, the 20 acres goes away, but maybe the parking comes back.

MR. ROSENBLUM: The parking was developed on the basis of the 250 student enrollment with 21 spaces which they have 22.

MR. TORLEY: Just wanted to make sure.

MR. ROSENBLUM: Should something change.

MR. TORLEY: We want to make sure we have everything for the public hearing.

MR. KANE: It says trailers are permitted by special permit of the planning board, not exceeding six months duration. We, as the zoning board, can vary that and extend that to a permanent situation on the trailers.

MR. REIS: Well, we're not going to call them trailers.

MR. KANE: So that goes away.

MR. KRIEGER: If you call them trailers, no, you continue to do that, but if you don't call them trailers, the whole thing is moot.

MR. TORLEY: Then you're down to line 6.

MR. KANE: At the public hearing, can we make a variation for what he needs as far as--

MR. BABCOCK: I think if we're changing something, I mean, we're here, we got here tonight, but what we feel we should write down if this board feels that something should be changed, we'll change it now before he sends out his hearings and whatever.

MR. TORLEY: My suggestion would be that you have done the right thing by asking for the interpretation as to whether or not the structures that are there they were brought in temporarily, whether they count as trailers or permanent structures.

MR. KANE: That we have to make a decision on in the public meeting.

MR. TORLEY: Second, if that then is made a decision that they are in fact permanent structures, then we're on row 6 all the way across with all the lot area variances.

MR. KANE: Does that have to be what he's requesting, does that have to be posed beforehand? Do we have to make, if those are buildings and he needs line variances, okay, coming back, we won't be able to determine that he needs those until we make a public hearing.

MR. TORLEY: We've done that in the past, somebody coming in for interpretation and/or a use variance, if he doesn't make the interpretation, so you can put, and I gather we're permitted to have that kind of setup in a public hearing?

MR. KRIEGER: Yes.

MS. BARNHART: If it's an interpretation.

MR. NUGENT: We can have it.

MR. KANE: Just want to be clear.

MR. ROSENBLUM: For information, the setbacks are 15 feet from the property line and in the photographs you'll see I have taken pictures from both directions to the neighborhood properties, the parking lot on this side and then the fence over here.

MR. KANE: Yeah, I know the site very well.

MR. REIS: Accept a motion?

MR. NUGENT: Yeah, just if we went over the bulk tables on line 6, I don't think he can meet any of them.

MR. KANE: No, he can't, he needs everything all the way across the line.

MS. BARNHART: Why don't you go ahead and make up a new notice of disapproval, get it over to me and Marshall and then we'll go from there.

MR. BABCOCK: Sure, sure, I'd be more than happy to.

MR. ROSENBLUM: It's a grandfathered condition by the sight but wouldn't meet any of the other requirements, hundred foot rear yard.

MR. REIS: I was going to make a motion that we set up the applicant, we make an interpretation now if that's acceptable by law that we make an interpretation that the buildings are permanent structures.

MS. BARNHART: We can't do that tonight, we have to have a public hearing to do that.

MR. KANE: Got to be a notified public hearing.

MS. BARNHART: Just set him up for a public hearing.

MR. TORLEY: Public hearing on the interpretation of the building structure, whether or not the building are temporary.

MS. BARNHART: Just set him up for the public hearing and have the building inspector give us--

MR. TORLEY: We have to get something.

MS. BARNHART: We're going to get the amended Notice of Denial for all the information we need.

MR. TORLEY: Is that sufficient, Andy?

MR. KRIEGER: Yes.

MR. BABCOCK: But this board wants me to use B6 all the the way across and whatever he doesn't need, he needs a variance, is that what you're saying?

MR. TORLEY: Yes.

MR. BABCOCK: So he needs a lot area variance, he needs front yards, he needs rear yards and everything.

MR. NUGENT: Everything doesn't fit any of them.



MR. TORLEY: Unless he wants to make a case that he's grandfathered in as far as a school.

MR. KANE: He's grandfathered as far as the main building, but not as far as the newer structures.

MR. TORLEY: That covers a lot of area.

MR. REIS: We'd like to cooperate but you're tough.

MR. TORLEY: We're trying to make sure you're covered.

MS. BARNHART: Mike, why don't you get together with Mr. Rosenblum.

MR. BABCOCK: We've gotten together, that's how we came up with this and based on just trying to figure something out in the best interest of everybody so that everybody is covered, this is what we thought we would come up with, but I want to bring another one back to the board, but I just need a little guidance from the board what they want to see if you want to see--

MR. NUGENT: It's going to look so outrageous, I don't know how we're go to do that.

MR. BABCOCK: Exactly the problem I have.

MR. NUGENT: What you have down there is not really all that bad.

MR. TORLEY: No, it's nice from the roadway.

MR. KANE: Is that going to cause any problems with these buildings in the future?

MR. NUGENT: I think not, as long as we interpret that the buildings aren't permanent.

MR. TORLEY: Are or are not?

MR. NUGENT: Are. If we say that the buildings are permanent, that's what our interpretation is going to be, then the numbers that are on the sheet here don't

look all that bad, I mean 85 foot side yard, that's a little heavy.

MR. KANE: Okay, Larry.

MR. TORLEY: It's Mike's motion.

MR. NUGENT: I'll accept a motion.

MR. REIS: Do you want to include in there we can't make an interpretation right now.

MS. BARNHART: No, don't put anything in, just set it up.

MR. REIS: I make a motion that we set up Windsor Academy for a public hearing to discuss and interpret their required variances.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE



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**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**REVIEW NAME:** WINDSOR ACADEMY SITE PLAN  
(a/k/a ABC LEARNING CENTER)  
**PROJECT LOCATION:** 271 QUASSAICK AVENUE  
SECTION 40-BLOCK 3-LOT 37  
**PROJECT NUMBER:** 99-17  
**DATE:** 23 JUNE 1999  
**DESCRIPTION:** THE APPLICATION PROPOSES CONVERSION OF THE  
MODULAR UNITS TO PERMANENT MODULAR UNITS ON  
THE SITE. THE PLAN WAS REVIEWED ON A CONCEPT  
BASIS ONLY.

1. The application was originally approved as a Special Permit Temporary Use. The Applicant now proposes to keep these units in their current location, converting same to permanent facilities.

Based on the type unit construction involved, as well as the setbacks of the units, it is clear that variances are required from the Zoning Board of Appeals.

2. It is my recommendation that the Planning Board discuss this proposal and, following same, refer this application to the Zoning Board of Appeals for necessary action.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:WINDACA.mk

RESULTS OF MEETING OF: June 23, 1999

PROJECT: Windsor Academy

P.B.# 99-17

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

2. TAKE LEAD AGENCY: Y\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

M) R S) J VOTE: A 3 N\_\_

CARRIED: YES X NO\_\_

WAIVE PUBLIC HEARING: M) J S) R VOTE: A 3 N\_\_ WAIVED: Y\_\_ N\_\_

SCHEDULE P.H. Y X N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M) A S) LN VOTE: A 5 NO\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

APPROVAL:

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y\_\_ N\_\_

DISCUSSION/APPROVAL CONDITIONS:

<u>fax F.I. Review</u>

POSSIBLE Z.B.A. REFERRALSWINDSOR ACADEMY SITE PLAN & SPECIAL PERMIT (99-17)

Mr. Marshall Rosenblum appeared before the board for this proposal.

MR. PETRO: Temporary classrooms made permanent, they appeared before us prior to this, I believe they need a variance for side yard or front yard or rear yard.

MR. ROSENBLUM: There are a number of conditions of relief, primarily for bulk table requirements, for gross area and side yard that's perceived, but I think we'll leave the specific requirements to the zoning board's interpretation at the time. What I have for the board is a series of current photographs taken another day that will demonstrate the condition of the building, the modular classrooms, I use the word modular, New York State does not recognize temporary structures, these are, as I have said before, permanent. We're here for the referral.

MR. PETRO: Once again, for the edification of the board, I just want to go over the new construction that was proposed at one time for the main building, the second or third floor, I don't know how many floors it was, that's completely out of the question, it's not going to happen under your impression? It could never have happened in the first place as far as construction end of it?

MR. ROSENBLUM: In my professional opinion, the amount and extent of work required to make that building conform to the building types and provide for exiting, to meet the requirements of the New York State Building Code life safety code and State Educational Department requirements both for ceiling height exiting and pupil safety would be extraordinary and would exceed the feasibility of the use for the building within a financial--

MR. PETRO: And the owners were probably not always aware, they were misled a little bit.

MR. ROSENBLUM: I was not present during that time. The extent or the cost and the time involved to do the work within that footprint again is something that I just don't understand how that, you know, could be proposed, reasonably, the building was originally constructed of two houses that were joined internally. That footprint is visible when you walk into the space. A multi-story building by State Educational Code requires 9 foot ceiling height, multiple exits both from each floor. If that were defined as a Type 4 building by the bulk tables by New York State Code, the exterior walls must have a two hour fire rating which provides for limitations for open areas. There must be a secondary means of egress from each area. It literally would be a ground up reconstruction from foundations up. I wouldn't know how to do it and I'm not aware of the criteria that was used prior, for that evaluation, I don't know.

MR. LANDER: Well, Marshall, this first came in, they wanted to have three stories and I would hate to think that that was, they were misled by whoever they contracted with and we get these modulars in here, these temporary classrooms now they are going to be permanent. I don't know how much trouble you're going to have at zoning.

MR. ROSENBLUM: I don't know what the perception of the zoning board will be but in good faith, we make the application, looking at the site once the photographs get to you, looking at the buildings, looking at the landscaping that exists and has been placed around them were isolated at the rear of the building towards commercial parking lots, rear parking lots and I see the impact from a common sense standpoint as minimal.

MR. LANDER: Marshall, can remember the public hearing that we had here and the people were assured that these were only temporary classrooms.

MR. ROSENBLUM: I read the transcripts and understand them.

MR. LANDER: They didn't have too much of a problem with that, they didn't even like that idea as far as

three or four stories, they were totally against that, but it wasn't in our jurisdiction to tell you that you can't build it. You had to get passed the building inspector and New York State code.

MR. ROSENBLUM: There are also two of the modular classroom units as opposed to the three that were originally proposed.

MR. PETRO: Gentlemen, I have been down there a number of times, as I said before, I'll say it again for the minutes, that my son has attended the school, so I have been on the site, while I have no connection with the applicant, but matter of fact, I have been there as early as last Monday or Tuesday, Monday, I believe and the site has been really protected well. There's been a lot of landscaping put in, lot of time and money have been spent to make this look very nice. Frankly, I can't even see, other than the one house that's to the north of the property, you can't even see other homes, unless you really look through the woods, you've got to really look around, see what's there, the buildings themselves, I know they don't use the word temporary classrooms, I guess they are modular units, I guess they are temporary.

MR. ROSENBLUM: Modular units are used for many years by school districts until either permanent construction or school populations change, they meet all the safety requirements.

MR. PETRO: I have been in and through the units and they are excellent and well built, believe me, and the layout in the front, everything is really done well. So, actually, I was impressed with it.

MR. LANDER: I don't think that's the problem, Mr. Chairman. I think the problem is the people were told that they were going to be temporary, they can go back, they can make their application and do whatever they have to do, but they still have to go for a public hearing.

MR. PETRO: They are only here now, we're going to send them to the zoning board.

MR. LANDER: I want to make them aware that's what the people were told.

MR. PETRO: Some of the conditions now are a little different than when they were proposing it because now they are done and people can see they can see the hundred shrubs they planted, but that's not for me to say. When you go to the public hearing, people are going to show up and go one way or the other and you'll know where you stand.

MR. ROSENBLUM: I referred to this as a mercy application, this is where we are now, it's what we have to do.

MR. PETRO: Send them to the zoning board, they'll have their say there.

MR. LANDER: I'm just telling you you're going to find opposition, I'm sure.

MR. PETRO: I do want to bring to the attention that we have the fire review came back as disapproved and there's three items here which you can take a copy and go over if you have not seen it.

MR. ROSENBLUM: That I have a copy of and I resubmitted.

MS. MASON: This is a new one.

MR. LANDER: What are the three?

MR. PETRO: Insufficient open space for staging of children during building evacuation and out of the way for emergency services access to the property. Number 2 is site plan does not reflect current conditions, what that exactly means, I'm not sure. We have to check with Bob Rogers on that or John McDonald and number 3, insufficient fire department access to rear classroom.

MR. ROSENBLUM: What's the date of that review? Cause I believe I have the final one.



MR. ROSENBLUM: I believe I have a sign-off.

MR. PETRO: Date plan received 6/17/99 and you received it back this afternoon, 3:30 this afternoon. I'd like to contact John McDonald and try to find out exactly what he wants done to remedy these situations and I think we'll still send you to the zoning board because they are going to really make your decision as to whether or not you're going to receive your coverage you're looking for on the lot. I just don't want to spend a lot of time at the planning board process if you are unsuccessful at zoning.

MR. ROSENBLUM: This is what I got from Rogers' office.

MR. PETRO: April 8. Does anybody want to see the pictures? Has everyone seen these? Okay, then, why don't we get them off to zoning board and if he's successful in getting his variances, we can go from there. I think that that would clear up a little bit more of Ron's concerns with the public hearing because you're going to have a public hearing at the zoning board and we can certainly get some of the content of that. If we find if you get a lot of them show up and it's a big deal we'll have another public hearing and make up our own mind so if you are willing to do all that, well, I need a motion to approve it.

MR. ARGENIO: Make that motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded for final approval.

ROLL CALL

MR. ARGENIO	NO
MR. STENT	NO
MR. LANDER	NO
MR. LUCAS	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the

June 23, 1999

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New Windsor Zoning Board for your necessary variances. Once you have been successful in receiving those and once you reappear before this board, we'll set you up on the next agenda, if you wish to appear before this board, we'll set you up for the next agenda. Thank you.



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PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF

NEW WINDSOR

P/B #      -     

WORK SESSION DATE:

2 JUNE 99

APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED:                     

PROJECT NAME:

ABC Learning

PROJECT STATUS: NEW X OLD     

REPRESENTATIVE PRESENT:

Marshall R.

MUNIC REPS PRESENT: BLDG INSP.     

FIRE INSP. Rich

ENGINEER X

PLANNER     

P/B CHMN.     

OTHER (Specify)                     

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

will make application & will  
want ZBA referral.

CLOSING STATUS

     Set for agenda

     possible agenda item

     Discussion item for agenda

X ZBA referral on agenda

pbwsform 10MJ98

DISCUSSIONABC LEARNING CENTER SITE PLAN

Mr. Marshal Rosenblum appeared before the board for this proposal.

MR. ROSENBLUM: The reason I'm here, hello, I'm Marshal Rosenblum. ABC Learning Center now known as Windsor Academy, this site plan was prepared by Harvey Berg and the work of the site plan to the best of my knowledge and belief has been completed and the buildings, the modular units of the site plan are fully occupied. It is the intent of the owners to request from this board that these modular units identified as temporary be made permanent. They do not intend to put additional floors on this building based on the building type, it's unwise, it's a Type 5 construction and modular units for all intents and purposes have permanent foundations and are permanent structures as opposed to being I'll call it transportable units, which would require annual review. What's the pleasure of the board?

MR. PETRO: First, I want to state for the minutes that my five year old son attends this school, but I have absolutely no affiliation with the applicant in any way, shape or form. Being that I've said that, again, this was a one year temporary permit that the Planning Board had given out, I believe the 17th of May last year or thereabouts, so the time is upon us. These units, there were going to be three at the time, the school has built two that we know of, there was some landscaping problems and disturbances with the neighbors, I believe Mike you were in contact with a couple of them, they seem to be fairly happy. I notice some of the trees have died which we have to replace, but they were all fairly satisfied, correct?

MR. BABCOCK: Yeah, they were going to relocate some of the trees, I don't know that that's happened as of yet, I don't think it was the right time of the year or something, I don't recall exactly what was done.

MR. ROSENBLUM: Six of the trees did not last the

winter and Depew Landscaping is, they are negotiating what to do, what trees to plant where, so that they'll survive.

MR. BABCOCK: But on the north side of the plan they were going to bring the trees closer to Route 94 to screen that house, that particular house as you see that parking lot that pulls in there, the headlights of those.

MR. ROSENBLUM: Talking about over here?

MR. BABCOCK: Yeah, right there, they agreed to do that, I don't know that they've done that yet.

MR. ROSENBLUM: I don't believe, well, I've had some discussion regarding the creation of a planter and plantings in that area, one of the questions that was asked is how far can they go up and for the purposes of permit, I said as long as they don't encroach in the front yard setback.

MR. STENT: They were also talking about reversing the entrances because of the traffic flow.

MR. PETRO: There was a pro and con to that, we're still not sure which is right, frankly.

MR. ROSENBLUM: I think at some point in time, it should be reviewed and this is not particularly for this application, but I think this really needs to be looked at a little bit more with respect to the handicapped accessible parking space now that the modulars are established and the, if you will, permanent accessible walkways have been created to the units, the flow is naturally from this side because it provides the most immediate access and pick up for the children, also the school buses pull in this way, stop over here at the front and pull out in the direction, the natural flow.

MR. PETRO: By reversing it, another problem the children would be exiting on the opposite side of the vehicle, that was a real negative so we kind of let it stay the way it was.

MR. ROSENBLUM: The buses work well there, the dropoff works well, doesn't seem to be any problem other than parking at the radial angles is not easy for anyone.

MR. STENT: That's all shale yet too, right?

MR. ROSENBLUM: No, most of that's been blacktopped.

MR. PETRO: Marshal, let me ask you this question here, this is a very busy site, you know, there's really quite a bit on the site, I realize by the law everything there fits, otherwise we wouldn't be there, sometimes that means the site is still rather busy, if this board was not inclined to approve the units to stay passed the year's time, and said they are temporary and must be removed. Does the applicant plan on still adding the square footage to the top of the building and how much would that be?

MR. ROSENBLUM: This does not exist as a possibility or option.

MR. ARGENIO: Why?

MR. ROSENBLUM: The building is a type--

MR. ARGENIO: What changed between then and now is my question?

MR. ROSENBLUM: Concept and feasibility, I think the interpretation of what they could do with that building was perhaps not fully understood. The building was originally and I know this because the original building, this structure was created by a person who had worked for me and it was residential units that had been if you will connected at the time I recall them in the '70's exposed foundations were internal to the structure and the lower level is partially depressed. The grade is much easier at the rear, but it certainly was never intended to meet current requirements. The building is a Type 5, has a limitation, it would require indeed a rather significant variance from New York State with respect to the building type, any building three stories or more requires non-combustible

construction for the first floor level, in addition, for any work that would have to be done above that building, this building would have to be vacated for the safety of the school and that would mean having to relocate during that entire construction period.

MR. ARGENIO: Thus the temporary structures so am I right in understanding that when this was presented to this board originally this option was simply not a viable option?

MR. ROSENBLUM: Well, you know, professional opinions are professional opinions. And I can't speak for anyone else, I can say that Greg and I had observed this initially and had comments that were not necessarily well received because they were rather direct and perhaps my construction side manner lacked the finesse of others. The proper thing is to not modify that building. The foundations that are built are with residential size foundations, while the structure, the reinforcing, the foundation may be adequate to carry some additional load, would certainly appear in departure to carry additional floor loads of an educational facility and to provide the circulation space required, anything can be done but at the certain point, you know, general demolition of the building and reconstruction to a different building standard.

MR. BABCOCK: Jim, as you maybe remember when the last representative came in, when this project first started, myself and Bobby Rogers did not agree, I agree with what, Marshal is saying right now, we didn't agree that he was going to be successful in what he was doing.

MR. ARGENIO: I recall that, Mike.

MR. BABCOCK: If you remember, the board said that and him and the audience or as the applicant started to argue about that and you said that's not something the planning board issue you guys work that out in the building department. And we continued to say the same thing, we didn't feel it was the right thing, we don't feel it would meet New York State Building Code.

MR. ROSENBLUM: Had the applicant continued to pursue this with respect to a variance by code, at least by my experience, you can't create your own hardship.

MR. PETRO: Okay, so with that being said, now let's get to the modular units that are there. They are already there, I visited the site on a number of occasions, I went through the units myself, I think they are exceptional units, I agree with Marshal a hundred percent, they are not trailers placed on blocks, these are real well done, well constructed units. And they are made to conform to ADA by another contractor, everything there is a hundred percent, sidewalks are in and it really does look fine.

MR. STENT: My only question, Jim, and I just want to clear it up for clarification is that I don't think anybody at the public hearing that we had on this I think their biggest problem was raising that building up. I don't think they had a negative on the modular units, again, that's what I'm trying to remember.

MR. ARGENIO: I remember it the same way you do but at the time, the temporary units were represented as temporary.

MR. PETRO: We can always address that at another public hearing when we get to that point, I'm trying to get, I took the liberty today, Mike, you probably should, I went and saw Mr. Rogers, New Windsor Fire Inspector myself and I asked him his view on the temporary units. He originally started to say he wasn't sure that they have met all the New York State codes but under further discussion, he said listen, most, a lot of schools do use temporary units and keep them permanently, maybe even lesser construction than these are.

MR. ROSENBLUM: Same company has applied units to two other school districts I have been involved with.

MR. PETRO: He felt he would not be opposed to saying that they would be fine as a permanent structure.

MR. ROSENBLUM: I received from Mr. Rogers' office a



printout of any outstanding violations or conditions at the facility and all prior review nonconformances have been corrected, there's nothing outstanding.

MR. STENT: No problem with this leaving it the way it is. My only concern was the people and I don't think they'll have a problem with it either based on the public hearing.

MR. PETRO: The main concern here, there's only one concern and it's not the units themselves or raising the building if that's what they were going to do, the concern here is the congestion and the busyness of this site. Namely, the traffic flow out onto 94 and also the internal flow, I go down there, I drop my son off, sometimes it's very difficult, there's nowhere to get around, it's very hard to park, of course, I know that the parking lot isn't designed, it's not blacktopped, they are not painted, some of that will go away. We should maybe look at taking some more of that little area in the front and making some more parking there, I don't know the answer. You might want to with that, but we need to get the internal flow moving more easily and maybe it will be done with the delineation of the parking spots and the writings and the signage. But the overall, the flow onto 94 is something that we cannot have any influence over and I don't know what to do about that, in other words, it's a very busy site opposite the Midway Market and we're creating these new school rooms in the back to house I don't know how many children, do you know how many that would accommodate?

MR. ROSENBLUM: I don't know the legal occupancy.

MR. PETRO: That's the question we should be asking ourselves.

MR. ROSENBLUM: They are fully occupied now, to the best of my knowledge and belief, there will be no additional traffic of any significance.

MR. STENT: You go down there in the morning, drop your children off, do you see any problems?

MR. PETRO: I've never had a problem ever or getting on

or off if 94, no, that's never been a problem. The problem I have had is internally on the site, but I feel that's only because the site hasn't been fully developed, i.e., the blacktopping and striping.

MR. STENT: Then we don't have to worry about it because you don't have a problem.

MR. PETRO: Well, I'm only one person. Mark?

MR. EDSALL: Mike and I were just trying to see how the application would sit from a zoning standpoint and the approval that it has now as a special permit for trailers, for business office and commercial purposes, that use as a special permit has a maximum of six months duration. So, I think you're going to have to find another way to classify this if it's going to be other than temporary and other than trailers.

MR. STENT: Modular buildings, does that, is this a modular building?

MR. BABCOCK: Well, it was approved.

MR. STENT: Did this come in on a flatbed and then taken off?

MR. ROSENBLUM: One piece, actually, each unit is two pieces joined together completely finished with dry wall, lights, they are joined together.

MR. STENT: Modular unit, you're lifting it off, setting it on a foundation, there's no frame and tires underneath the units right now, right now, they are on foundations.

MR. ROSENBLUM: Foundations, no frame and tires.

MR. STENT: Modular building.

MR. EDSALL: Trailers that are temporary are allowed to have a 50 foot setback, but for a school, you're required to have 100 foot setback from the property line, so the difficulty comes in to how are you going to classify?

MR. PETRO: How about the other existing buildings that are not exceeding or making a worse interpretation?

MR. EDSALL: I'm not here to interpret.

MR. BABCOCK: We're just trying to make sure we do the right thing.

MR. PETRO: If the other building is that far off the property line and we're staying within that parameter of that box.

MR. BABCOCK: Yeah, these temporary, as they were temporary, modulars, I won't use the word temporary anymore, when they were put in, we looked at the bulk tables based on a temporary thing.

MR. PETRO: They have to go to the Zoning Board.

MR. EDSALL: Maybe not. The board normally applies, if you have a non-conforming setback, as long as you don't go any closer, fine. But I think you've got then the situation that you're actually trying to reclassify it now and you may be stuck having another public hearing because the school use is a special permit as well. So it may be in the board's best interest to have a public hearing and say this is a permanent site plan under this use and not trailers.

MR. PETRO: I'd like to have another public hearing if we go that far.

MR. EDSALL: We're just trying to make sure the board's protected.

MR. PETRO: Classify it with the applicant and come up with a plan if it needs a variance.

MR. BABCOCK: The whole thing was I'm not sure what the board or what the applicant's asking for, is he asking permanent forever or one more year?

MR. ROSENBLUM: Forever, for all intents and purposes.

MR. BABCOCK: If they are going to stay there forever, you can't look at the temporary trailer, you have to look at the other part of the ordinance and whatever variances they may fall against because of distance of separations or whatever it might be, they would have to apply to the Zoning Board, we'll have to look at that.

MR. STENT: I think he has to look at that.

MR. KRIEGER: I agree with Mike, as long as it's going to be permanent, then that's the proper--

MR. PETRO: I'm looking at the plan, it's worse off closer to the property line than the existing building already so we're not staying within that, so my argument is going to be by the wayside.

MR. EDSALL: It may be that the side yard may not be decreased, but the rear yard is being decreased, so they may need a rear yard variance.

MR. ARGENIO: Side yard is decreased as well, is it not?

MR. PETRO: Looks like it from here.

MR. ROSENBLUM: This indicates 15 foot.

MR. EDSALL: That was set up as a trailer.

MR. KRIEGER: All I would say if you are going to apply to the Zoning Board because you have to apply, get everything.

MR. BABCOCK: Right, I just needed to know what part of the code we're going to look at.

MR. KRIEGER: Certainly apply as an interpretation and/or area variance as has been done before and let the Zoning Board do the interpreting.

MR. ROSENBLUM: Minimum side yard, according to bulk requirements, if indeed, those were just general bulk requirements for this area, indicate 15 foot and 35 foot.

MR. BABCOCK: Every use is different, that's for a temporary trailer. If it's for a permanent building, it changes for schools, it's different.

MR. ROSENBLUM: That would be the NC, that would be this table.

MR. EDSALL: That 15 foot is the temporary trailer setback.

MR. BABCOCK: Setbacks change by use and special permit, we'll put it in one of the categories, wherever it falls, whatever works out.

MR. PETRO: I think you should get together with Mark and Mike or at workshop and decide how you're going to approach the Zoning Board because as a temporary structure, you have to meet that hurdle first. I think we can send him directly there, he's already here.

MR. BABCOCK: You can refer it right now.

MR. PETRO: Refer him to the Zoning Board for their interpretation.

MR. BABCOCK: And whatever category we can make it fit the best, that's whatever area variances he'll need he'll need.

MR. PETRO: Let's refer you to the Zoning Board. You want to do that in the form of a motion? He's only here under discussion item.

MR. ROSENBLUM: Prior to a motion, could I ask you, had mentioned earlier that an annual review was approaching.

MR. PETRO: As long as you're here working with the board we'll consider that, you know, you're here in compliance so that will be a non-issue.

MR. KRIEGER: The answer is yes, it should be done in the form of a motion.

MR. EDSALL: I think you should just ask that before this goes from the Planning Board to the Zoning Board, let's get the application in so Myra can get the correct file.

MR. PETRO: In order to do all that, it's going to have to be a complete application.

MR. ARGENIO: Motion for final approval.

MR. STENT: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the ABC Learning Center site plan on Route 94. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. STENT	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for the necessary variances and interpretations. Once you have received them and placed them on the plan, you'll be welcomed back to this board for further review.

MR. ROSENBLUM: Thank you.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

502-1652

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 99-17

DATE PLAN RECEIVED: 6-17-99

The maps and plans for the Site Approval Addition & Alterations  
Subdivision Heads, Hands & Hearts as submitted by  
ABC Learning for the building or subdivision of  
\_\_\_\_\_ has been

reviewed by me and is approved \_\_\_\_\_,  
disapproved frnc Donald.

If disapproved, please list reason: ① Insufficient open space  
for Staging of Children during Building Evacuation and out of way for  
Emergency Services Access to property. ② Site Plan does not  
reflect current conditions ③ Insufficient Fire Department  
Access to Room Classrooms

frnc Donald  
Fire Inspector 6/22/99

HIGHWAY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

WATER SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

SANITARY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

*Please return  
by 7/23*

PLANNING BOARD FILE NUMBER: 99-17

DATE PLAN RECEIVED: RECEIVED

JUL 10 2001

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by \_\_\_\_\_

\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_

\_\_\_\_\_ has been

reviewed by me and is approved Does not Apply

disapproved \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

**RECEIVED**

JUL 13 2001

**N.W. HIGHWAY DEPT.**

Hy. Mel 7/18/01  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE



**INTER-OFFICE CORRESPONDENCE**

**TO: Town Planning Board**

**FROM: Town Fire Inspector**

**DATE: July 13, 2001**

**SUBJECT: Windsor Academy**

**Planning Board Reference Number: PB-99-17**

**Dated: 10 July 2001**

**Fire Prevention Reference Number: FPS-01-046**

**A review of the above referenced subject site plan was conducted on  
13 July 2001.**

**This site plan is acceptable.**

**Plans Dated: 18 June 2001.**

A handwritten signature in black ink, appearing to read 'Robert F. Rodgers', is positioned above the printed name.

**Robert F. Rodgers**



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 99-17

DATE PLAN RECEIVED: RECEIVED  
JUL 10 2001

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of  
Windsor Academy has been

reviewed by me and is approved ✓

~~disapproved~~ \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

This property is serviced by town water.  
Call water dept. if service needs to be located.

HIGHWAY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

John D. Dora 7-16-01  
WATER SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

SANITARY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER:

**99-17**

DATE PLAN RECEIVED:

**RECEIVED JUN 17 1999**

**RECEIVED**

**JUN 21 1999**

**N.W. HIGHWAY DEPT.**

The maps and plans for the Site Approval ☒

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

\_\_\_\_\_ has been

reviewed by me and is approved ☒

disapproved ☐

If disapproved, please list reason \_\_\_\_\_

W. James Sullivan  
HIGHWAY SUPERINTENDENT

6/21/99  
DATE

\_\_\_\_\_  
WATER SUPERINTENDENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **99-17**

DATE PLAN RECEIVED: **RECEIVED JUN 17 1999**

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by \_\_\_\_\_

\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_

ABC Learning Center has been

reviewed by me and is approved ☒

disapproved ☐

~~If disapproved, please list reason~~ \_\_\_\_\_

No Comments

HIGHWAY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

John D. D. 6-21-99  
WATER SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

SANITARY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF

New Windsor

P/B

**99-17**

WORK SESSION DATE: 16 JUNE 1999

APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: later

Full App

PROJECT NAME:

ABC Learning (Windsor Academy)

PROJECT STATUS: NEW X OLD

REPRESENTATIVE PRESENT: Mark (JTG), Peter Epton, Marshall R. Krom

MUNIC REPS PRESENT: BLDG INSP.

FIRE INSP.

ENGINEER

PLANNER

P/B CHMN.

OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- ZBA
  - ① setbacks
  - ② height?
  - ③ use as permanent.
- all improvements on site must also be done
- correct built tables as recess

CLOSING STATUS

X

Set for agenda

possible agenda item

Discussion item for agenda

ZBA referral on agenda

pbwsform 10MJ98



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

99-17

RECEIVED JUN 17 1999

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Change \_\_\_\_\_ Site Plan ☒ Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 40 Block 3 Lot 37

1. Name of Project Windsor Academy

2. Owner of Record Heads, Hands, Hearts, Inc. Phone 562-3711

Address: 271 Quassaick Ave., New Windsor, NY 12553  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant Marshall Rosenblum Phone 562-0270

Address: 3211 Route 9W, New Windsor, NY 12553  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan [H. Berg, .by prior appl] Phone \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

Marshall Rosenblum 562-0270  
(Name) (Phone)

7. Project Location:

On the east side of Quassaick Ave 450 feet  
(Direction) (Street) (No.)  
south of Jay St.  
(Direction) (Street)

8. Project Data: Acreage 1.148 Zone NC School Dist. \_\_\_\_\_

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No x

\*This information can be verified in the Assessor's Office.

\*If you answer "yes" to question 9, please complete the attached "Agricultural Data Statement".

10. Description of Project: (Use, Size, Number of Lots, etc.) Existing Pre School/ Elementary School. This application is to make existing modular classroom units (2) as permanent structures. [Now by Special Permit.]

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no x

12. Has a Special Permit previously been granted for this property? yes x no \_\_\_\_\_

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

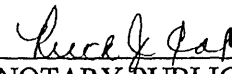
COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

16<sup>th</sup> DAY OF June 1999

  
APPLICANT'S SIGNATURE

 RUTH J. EATON  
Notary Public, State of New York  
Qualified in Orange County  
No. 4673512  
Commission Expires October 31, 2000

Marshall Rosenblum  
Please Print Applicant's Name as Signed

\*\*\*\*\*

TOWN USE ONLY:

RECEIVED JUN 17 1999

DATE APPLICATION RECEIVED

99-17

APPLICATION NUMBER

*TOWN OF NEW WINDSOR PLANNING BOARD*SITE PLAN CHECKLIST**NOTE: CHECKLIST IS PER APPROVED PLAN W/SPECIAL PERMIT MODULAR CLASSROOMS**ITEM

1. ☒ Site Plan Title
2. ☒ Applicant's Name(s)
3. ☒ Applicant's Address
4. ☒ Site Plan Preparer's Name
5. ☒ Site Plan Preparer's Address
6. ☒ Drawing Date
7. ☒ Revision Dates
8. ☒ Area Map Inset
9. ☒ Site Designation
10. ☒ Properties within 500' of site
11. ☐ Property Owners (Item #10)
12. ☒ Plot Plan
13. ☒ Scale (1" = 50' or lesser)
14. ☒ Metes and Bounds
15. ☒ Zoning Designation
16. ☒ North Arrow
17. ☒ Abutting Property Owners
18. ☒ Existing Building Locations
19. ☒ Existing Paved Areas
20. ☒ Existing Vegetation
21. ☒ Existing Access & Egress



PROPOSED IMPROVEMENTS

- 22. N/A Landscaping
- 23. ✓ Exterior Lighting
- 24. ✓ Screening
- 25. ✓ Access & Egress
- 26. ✓ Parking Areas
- 27. N/A Loading Areas
- 28. ✓ Paving Details (Items 25 - 27)
- 29. N/A Curbing Locations
- 30. N/A Curbing through section
- 31. N/A Catch Basin Locations
- 32. N/A Catch Basin Through Section
- 33. ✓ Storm Drainage
- 34. ✓ Refuse Storage
- 35. N/A Other Outdoor Storage
- 36.     Water Supply
- 37.     Sanitary Disposal System
- 38. N/A Fire Hydrants
- 39. ✓ Building Locations
- 40. ✓ Building Setbacks
- 41.     Front Building Elevations
- 42. N/A Divisions of Occupancy
- 43. N/A Sign Details
- 44. ✓ Bulk Table Inset
- 45. ✓ Property Area (Nearest 100 sq. ft.)
- 46. ✓ Building Coverage (sq. ft.)
- 47. ✓ Building Coverage (% of total area)
- 48. ✓ Pavement Coverage (sq. ft.)
- 49. ✓ Pavement Coverage (% of total area)
- 50. ✓ Open Space (sq. ft.)
- 51. ✓ Open Space (% of total area)
- 52. ✓ No. of parking spaces proposed
- 53. ✓ No. of parking spaces required

PROJECT I.D. NUMBER

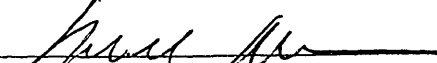
617.21

Appendix

SEQR

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <b>Marshall Rosenblum</b>	2. PROJECT NAME <b>Windsor Academy [formerly ABC L.Ctr]</b>
3. PROJECT LOCATION: Municipality <b>New Windsor</b> County <b>Orange</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>271 Quassaick Avenue S40 B3 L37</b>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>Application to make permanent two modular classroom structures now allowed by Special Permit.</b>	
7. AMOUNT OF LAND AFFECTED: Initially <u>1.148</u> acres    Ultimately <u>1.148</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <b>Bulk non-compliance</b>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <b>Business street with residences, theater, school, shops, etc.</b>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Marshall Rosenblum, AIA</u> Date: <u>June 99</u> Signature: <u></u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

99-17

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (If different from responsible officer)
_____ Date	

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

Heads, Hands, Hearts, Inc., deposes and says that he resides  
(OWNER)

at 271 Quassaick Avenue, New Windsor in the County of Orange  
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 40 Block 3 Lot 37)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in

the foregoing application and that he authorizes:

Marshall Rosenblum, 3211 Route 9W, New Windsor, NY 12553  
(Applicant Name & Address, if different from owner)

\_\_\_\_\_  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 1 JUNE 99

Wm. Rosenblum  
Witness' Signature

Rita E. Epstein  
Owner's Signature

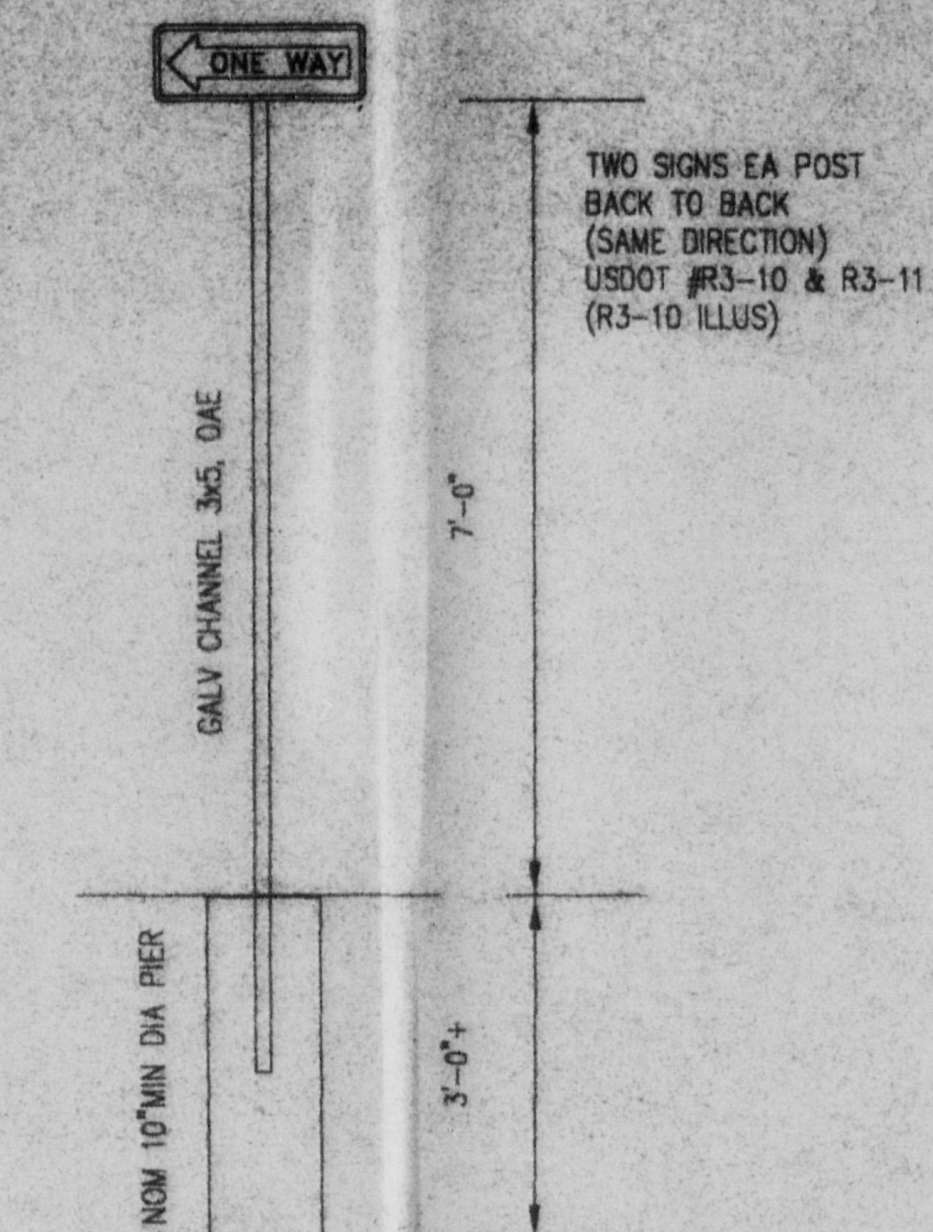
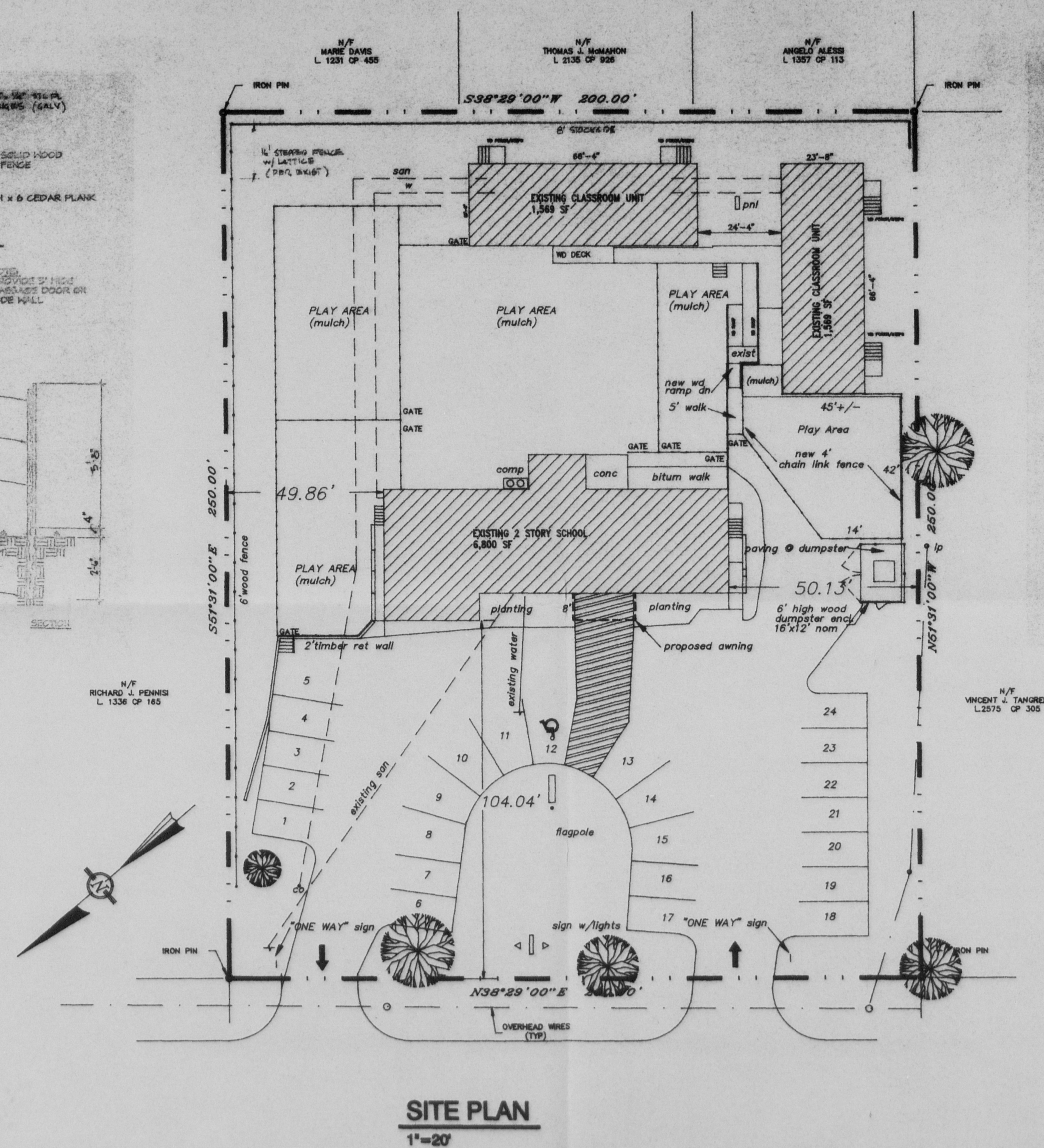
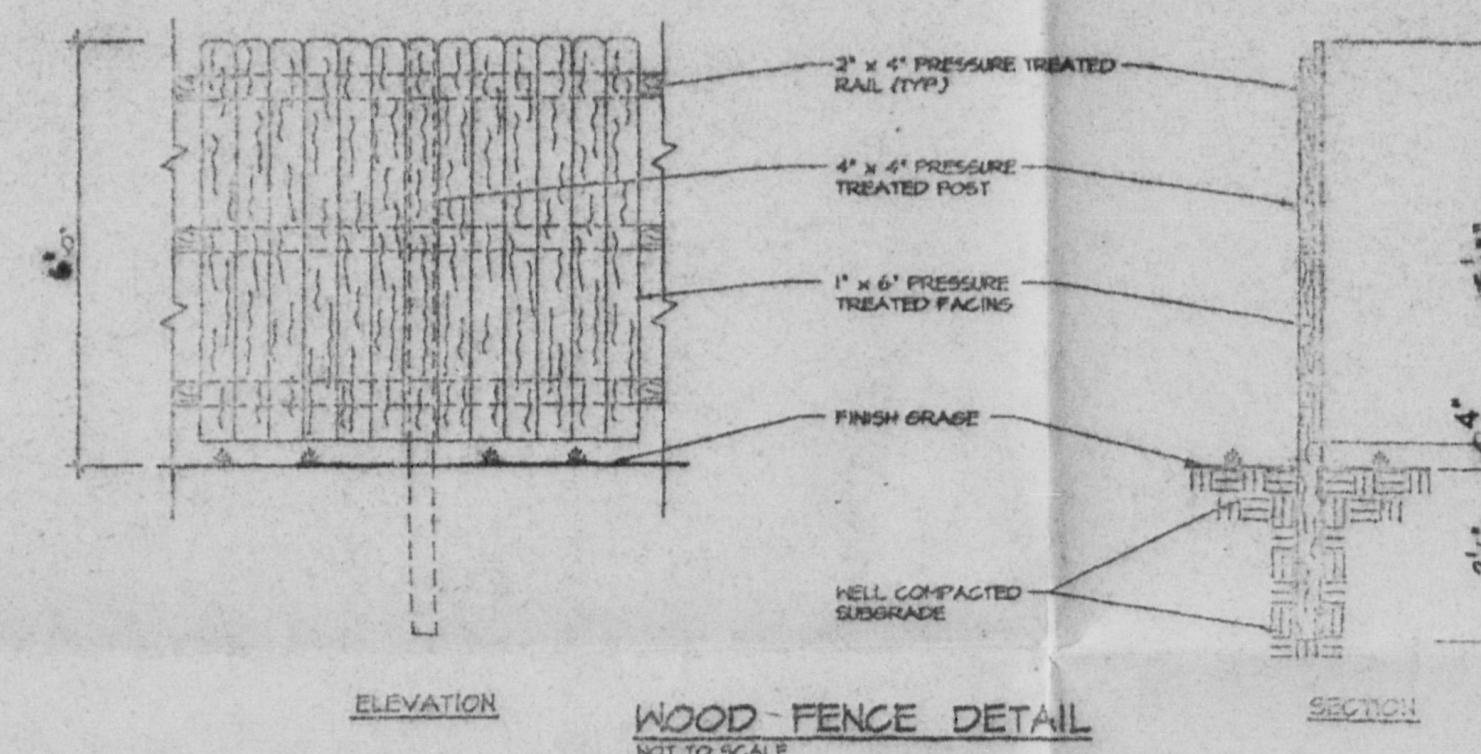
Marshall Rosenblum  
Applicant's Signature if different than owner

\_\_\_\_\_  
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR  
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED  
TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

99-17





SIGN DETAIL

NO SCALE

BULK TABLE

New Windsor ZBA Variance #99-36 granted on 14 February 2000, with provision that a screen fence is placed between the Windsor Academy and Pennisi property (now placed)

ZONE NC	USE B6	
REQUIREMENTS		PROVIDED (VARIANCE GRANTED)
MIN LOT AREA	20 ACRES	1.1475 ACRES
MIN LOT WIDTH	300 FT	200 FT
FRONT YARD	100 FT	103.69 FT
SIDE YARD	100 FT	15 FT
TOTAL SIDE YARD	200 FT	60.33 FT
REAR YD	100 FT	15 FT
FRONTAGE	100 FT	200 FT
MAX BLDG HT	50 FT	24 FT
COVERAGE	20%	24.18%
PARKING	21 SPACES	24 SPACES

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NEW YORK INDUSTRIAL CODE REQUIRES  
2 WORKING DAYS NOTICE BEFORE YOU DIG,  
DRILL, OR BLAST - STOP CALL

**Underground Utilities Call Center**  
**1-800-245-2828**

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

JAN 10 2002

By: James Petro, Jr. Chairman

By: James Brennan Secretary

REV 15 NOV 2001 . REV DIR SIGNS  
AND ROAD FENCE.

**ROSENBLUM A.I.A.**  
MARSHALL ROSENBLUM, A.I.A. ARCHITECT  
3211 ROUTE 9W  
NEW WINDSOR NEW YORK 12553

# WINDSOR ACADEMY

Route 94  
New Windsor, NY

Date 18 JUNE 2001

Job #

1	Name	Last Name	First Name	Middle Name	Suffix	Status
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### Site Plan & Details

SP-1

Michael Pabst